

EXHIBIT 11

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CASE NO.: 7:23-cv-00558-PMH

JOESPH WOLF, CARMEN WOLF,
ON BEHALF OF THEMSELVES AND THOSE
SIMILARLY SITUATED,

Plaintiffs,

v.

DOLLAR GENERAL CORPORATION,
DOLGEN NEW YORK, LLC, D/B/A
DOLGEN, DOLGENCORP OF TEXAS,
INC., INDIVIDUALLY, JOINTLY,
SEVERALLY, OR IN THE ALTERNATIVE,
Defendants.

REMOTE VIDEOTAPED DEPOSITION OF
BRIAN HAUG

DATE: Tuesday, December 12, 2023
TIME: 11:05 a.m. - 4:03 p.m. CST
PLACE: Via Videoconference
TAKEN BEFORE: Teresa Wynn, Court Reporter
and Notary Public

A P P E A R A N C E S
(Via Videoconference)

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CLASS:

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ALSO PRESENT:

JASON BATES, DOLLAR GENERAL IN-HOUSE COUNSEL
ANDREW BAKER, VIDEOGRAPHER

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December 12, 2023

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P R O C E E D I N G S

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THE VIDEOGRAPHER: Good morning. We are going on the record at 11:05 a.m., Tuesday, December 12, 2023. This is Media Unit 1 of the videotaped depos- -- video-recorded deposition of Brian Haug, as taken by counsel for Plaintiff in the matter of Joseph Wolf, et al., vs. Dollar General Corporation, et al., filed in the United States District Court of the Southern District of New York, Case Number 7:23-CV-00558-PMH.

My name is Andrew Baker from the firm Veritext Legal Solutions. I'm the videographer. The court reporter is Teresa Wynn, also from Veritext Legal Solutions.

Will counsel now state their appearance and affiliations for the record, beginning with the noticing attorney.

MR. MERINO: Hi. I'm Javier Merino of the Dann Law Firm, counsel for the Plaintiffs, Joseph Wolf and Carmen Wolf, and the punitive class.

MR. TAYLOR: Trent Taylor on behalf of Defendant, Dolgen New York.

MR. BATES: And I'm Jason Bates. I'm in-house counsel at Dollar General.

1 THE VIDEOGRAPHER: Will the court reporter
2 please swear in the witness, and then we may
3 proceed.

4 THE REPORTER: Mr. Haug, please raise your
5 right hand.

6 THE WITNESS: (Complies.)

7 THE REPORTER: Do you swear or affirm that
8 the testimony you are about to give in this cause
9 will be the truth, the whole truth, and nothing but
10 the truth?

11 THE WITNESS: I do.

12 THE REPORTER: Thank you.

13 BRIAN HAUG,
14 having first been duly sworn, was examined and testified
15 as follows:

16 DIRECT EXAMINATION

17 BY MR. MERINO:

18 Q Good morning, Mr. Haug. How are you today?

19 A I'm well. I hope you are.

20 Q Thank you. As you just heard, my name is
21 Javier Merino. I'm an attorney representing Joseph and
22 Carmen Wolf. This is a deposition in which I'll be
23 asking you questions, and you must answer them
24 truthfully unless your attorney tells you clearly and
25 directly not to answer.

1 Although no judge is present, this is a
2 formal legal proceeding just like testifying in court,
3 and you're under the same legal obligation to tell the
4 truth, the whole truth, and nothing but the truth. If
5 you don't understand any of my questions, feel free to
6 say so, and I'll be happy to rephrase it.

7 If you are giving answers, yes or no answers,
8 I would just ask that you actually say "yes" or "no"
9 instead of "uh-huh" or "uh-uh" since the court reporter
10 may have difficulty picking up those -- those sounds.

11 Before the deposition can be used in court,
12 you'll have the opportunity to read over it and correct
13 any mistakes. Do you understand this?

14 A Yes.

15 Q Do you understand that I'll be asking you
16 questions today based on your personal knowledge as an
17 employee of Dollar General?

18 A Yes.

19 Q Have you ever had your deposition taken
20 before?

21 A I have not.

22 MR. TAYLOR: And, Javier, real quick. Let me
23 just put on the record that this deposition is
24 governed by protective order, and we will make the
25 appropriate confidentiality designations pursuant

1 to the terms of that protective order. Apologies.
2 You can go ahead.

3 MR. MERINO: No worries. And we agree with
4 that designation.

5 BY MR. MERINO:

6 Q Mr. Haug, what is your -- let me strike that
7 question.

8 Mr. Haug, is there anybody in the room with
9 you right now?

10 A Yes. Mr. Trent Taylor and Mr. Jason Bates.

11 Q Nobody else besides Mr. Taylor and Mr. Bates?

12 A No one else.

13 Q I would just ask that if anyone besides
14 Mr. Bates or Mr. Taylor enters the room, that you please
15 advise me. Understood?

16 A Yes.

17 Q Okay. Thank you.

18 Mr. Haug, what is your title at Dollar
19 General?

20 A Vice president margin planning and analytics.

21 Q How long have you had that title at Dollar
22 General?

23 A I believe, four years.

24 Q What is it that your job duties entail as the
25 vice president of margin planning and analytics?

1 A I have a team responsible for margin planning
2 and forecasting, a team responsible for supply chain
3 finance, and a team in charge of price execution.

4 Q Sorry. You listed three things. The first
5 was margin planning and forecast? Did I say that right?

6 A Correct. Or merchandise planning.

7 Q And merchandise planning, that was the
8 second?

9 A No. The second, supply chain finance.

10 Q And the third is price execution?

11 A Price execution. Correct.

12 Q What exactly does margin planning entail?

13 A We work with the merchandise team to forecast
14 sales and a number of other KPIs.

15 Q KPI, is that a key performance index?

16 A Correct.

17 Q What are some of the other KPIs that a
18 forecaster analyzes as part of margin planning?

19 MR. TAYLOR: Objection. Form.

20 You can answer.

21 THE WITNESS: Receipts, markdowns, inventory,
22 purchase discounts. There's a -- there's a number
23 of them.

24 BY MR. MERINO:

25 Q So are these KPIs that you rely upon to

1 forecast sales?

2 MR. TAYLOR: Objection. Form.

3 You can answer.

4 THE WITNESS: I'm sorry. Could you repeat
5 the question?

6 BY MR. MERINO:

7 Q These KPIs that you just referenced,
8 receipts, markdowns, inventory, are these KPIs that you
9 rely upon in order to forecast sales?

10 MR. TAYLOR: Same objection.

11 THE WITNESS: They are inter- -- they are all
12 interconnected.

13 BY MR. MERINO:

14 Q Can you describe that in a little more detail
15 to me? What do you mean they're interconnected?

16 A If we sell more product, then we would go out
17 and purchase more product, which would change the amount
18 of inventory we have, and so forth.

19 Q So are there any decisions that you
20 specifically make within margin planning?

21 A No. Not -- not -- our job is typically to
22 report what we're seeing in the business.

23 Q And who is it that you report these things
24 that you're seeing to?

25 A Our chief merchant, chief financial officer.

1 There are a number of teams that we work with throughout
2 the company.

3 Q What are some of the different topics or
4 categories or things that you may be recording?

5 MR. TAYLOR: Objection. Form.

6 You can answer.

7 THE WITNESS: Again, as it relates to the
8 KPI, where do we see ourselves forecast. And there
9 are a number of things that we have conversations
10 about as it relates to those forecasts.

11 BY MR. MERINO:

12 Q So within margin planning, the core of your
13 job is to forecast sales; is that an accurate statement?

14 MR. TAYLOR: Objection. Form.

15 You can answer.

16 THE WITNESS: Yes. That's the leading
17 indicator.

18 BY MR. MERINO:

19 Q Are there any -- let me strike that question.
20 As far as these KPIs, are there any that you
21 look at or review which relate to price changes?

22 MR. TAYLOR: Objection. Form.

23 You can answer.

24 THE WITNESS: The outcome of the price
25 changes.

1 BY MR. MERINO:

2 Q What are some of the outcomes that you've
3 seen as a result of price changes?

4 A We generate markups or markdowns.

5 Q Why would you generate a markup or a
6 markdown?

7 A When the retail changes, if the price goes
8 up, it will generate a markup; if the price goes down,
9 it will generate a markdown.

10 Q So let's just say the price of a gallon of
11 milk goes from \$5 to \$5.50. Okay? Would that be --
12 would that fall within this price change category that
13 -- that you analyze and look at?

14 MR. TAYLOR: Objection. Form.

15 You can answer.

16 THE WITNESS: For milk specifically, no.

17 BY MR. MERINO:

18 Q Okay. What about more broadly?

19 A More broadly, then yes.

20 Q Okay. What -- can you give an example of a
21 broader category that you'd be looking at?

22 A It's any -- most of the rest of the products
23 that we carry. Laundry --

24 Q Can you give some examples?

25 A Laundry detergent, soap.

1 Q Okay. So let's just say the price of a
2 particular detergent goes from \$5 to \$5.50, is -- you
3 would then analyze the outcome of that price change?

4 MR. TAYLOR: Objection. Form.

5 You can answer.

6 THE WITNESS: We would see the -- the markup
7 generated by that price change, but that -- beyond
8 that, I'm not sure what you're asking.

9 BY MR. MERINO:

10 Q What is a markup?

11 A When the price on one item goes from \$5 to
12 \$5.50, it will generate a 50 cent markup.

13 Q So if the price of detergent goes from \$5 to
14 \$5.50, you would simply write a report that says the
15 markup was 50 cents?

16 MR. TAYLOR: Objection. Form.

17 THE WITNESS: I wouldn't write a report.

18 It's generated in the system.

19 BY MR. MERINO:

20 Q And what are some of the -- strike that.

21 The report that's generated within the
22 system, what's some of the data that it contains?

23 A That specific report would just be the
24 markup.

25 Q You mentioned you also work within supply

1 chain finance, right?

2 A I have a team that works there, yes.

3 Q Can you describe what exactly supply chain
4 finance entails?

5 A That team works with the leaders in the
6 supply chain organization to understand and forecast
7 their expenses.

8 Q And what is it that you do as the leader of
9 this team?

10 A I work to ensure the accuracy and ensure that
11 we're challenging the assumptions that are built into
12 those forecasts, and then report to various teams
13 throughout the organization on our findings.

14 Q What exactly are you working to ensure the
15 accuracy of?

16 A Our forecasts.

17 Q So who is it that generates the forecast?

18 A On supply chain finance team, it's the number
19 of people that work within supply chain.

20 Q So what are some of the things that you do to
21 ensure accuracy within the forecast that's been
22 generated?

23 A Largely, challenge assumptions.

24 Q What does it mean to challenge an assumption?

25 A If there is an assumption that the -- that

1 the teams have rolled up that is not in line with trend
2 or suggests some shift, then I'll ask them about why
3 those changes would be occurring.

4 Q Can you give an example where an assumption
5 has been rolled up which was not in line with trend?

6 MR. TAYLOR: Objection. Form.

7 You can answer.

8 THE WITNESS: Productivity, which is measured
9 as cartons per hour, may be rolled up higher than
10 what we've been trending at.

11 BY MR. MERINO:

12 Q What is it that you mean, "cartons per hour"?

13 A That's our productivity measure in the
14 distribution centers.

15 Q As in how many cartons per hour are shipped
16 out of the distribution centers?

17 A Correct.

18 Q Are there any trends that you've noticed in
19 your four years at -- at this position with respect to
20 the frequency of price markups?

21 MR. TAYLOR: Objection. Form.

22 You can answer.

23 THE WITNESS: I'm sorry. Repeat the
24 question.

25 BY MR. MERINO:

1 Q Are there any trends that you've noticed with
2 respect to the frequency of price markups during your
3 four years in this position?

4 MR. TAYLOR: Same objection.

5 THE WITNESS: Nothing -- nothing that's
6 unexpected, no.

7 BY MR. MERINO:

8 Q Have you noticed an increase in frequency and
9 price markups within the past few years?

10 MR. TAYLOR: Objection. Form.

11 You can answer.

12 THE WITNESS: Not recently. But we did have
13 an increase in markup activity, I would say, back
14 in 2022.

15 BY MR. MERINO:

16 Q Are there metrics maintained anywhere as to
17 the -- let me strike that question.

18 Is there data that is housed somewhere that
19 provides the quantity of markups within a particular
20 period of time?

21 A We -- we have the retail value of the
22 markups.

23 Q My question is more so, let's just say you
24 wanted to get the amount of markups within a particular
25 week last year. Let's just say the first week of

1 December 22nd. Is there -- is that data readily
2 accessible?

3 MR. TAYLOR: Objection. Form.

4 You can answer.

5 THE WITNESS: Yes.

6 BY MR. MERINO:

7 Q Where is that data stored?

8 A In our data warehouse.

9 Q Are there any specific metrics that you can
10 provide as far as the increase in markup activity back
11 in 2022?

12 MR. TAYLOR: Objection. Form.

13 THE WITNESS: I'm -- I'm -- what are you
14 asking for specifically?

15 BY MR. MERINO:

16 Q Let's say year over year, 2022 compared with
17 2021, are you aware by how much there was an increase in
18 markup activity?

19 A Not off the top of my head, no.

20 Q But is that information, likewise, readily
21 accessible?

22 MR. TAYLOR: Objection. Form.

23 THE WITNESS: Yes.

24 BY MR. MERINO:

25 Q What goes into the decision to mark up the

1 price of a product?

2 MR. TAYLOR: Objection. Form.

3 You can answer.

4 THE WITNESS: There are a number of different
5 reasons.

6 BY MR. MERINO:

7 Q Can you identify some of them?

8 A The most prominent is a cost increase that we
9 receive from the vendors.

10 Q The -- the actual price increase from the
11 vendor, is that any subset of data that you analyze
12 within your -- within your job?

13 MR. TAYLOR: Objection. Form.

14 THE WITNESS: Not specifically. Again, we
15 receive a report.

16 BY MR. MERINO:

17 Q You said you receive a report?

18 A Correct.

19 Q Okay. What report is that?

20 A LIFO. Last in, first out.

21 Q Can you describe to me the contents of this
22 report.

23 (Mr. Dann joins deposition via Zoom.)

24 A It's an accounting report, so the specifics
25 would have to be deferred to them. But, fundamentally,

1 it reflects the inflation rate of our cost structure.

2 Q What are some of the things that you look for
3 or analyze specifically within this LIFO report?

4 A We just roll the tally up and -- to
5 understand the financial impact to the business.

6 Q Are there ever any suggestions or
7 recommendations -- actually, let me strike that
8 question.

9 Who is it that you report to?

10 A Chief financial officer.

11 Q Who is the CFO?

12 A Kelly Dilts.

13 Q The -- the third category of your job
14 description entails price execution, right?

15 A Correct.

16 Q Can you describe to me in more detail what
17 your responsibilities are within price execution?

18 A We key the prices into the system that are
19 expected at point of sale.

20 Q What do you mean you key the prices into the
21 system?

22 A The team receives requests for price changes
23 or retail changes, and the team keys those into the
24 system. And then from there, it flows out into a number
25 of IT systems.

1 Q Are you messaging with somebody right now,
2 Mr. Haug?

3 A I'm getting -- I've got my Teams on and I
4 don't know how to shut it off. So forgive me for a
5 moment. I'm trying to figure out how to do it right
6 now, so...

7 MR. TAYLOR: Yeah, maybe we can go off the
8 record for just one minute to get that turned off.

9 THE WITNESS: Yeah. Give -- give me just a
10 moment here. I'm sorry. I don't know how to shut
11 it off.

12 THE VIDEOGRAPHER: Are you ready to -- do you
13 want to go off the record, Mr. Merino?

14 MR. MERINO: Sure. We can go briefly off the
15 record.

16 THE VIDEOGRAPHER: We are off the record at
17 11:31 a.m.

18 (Recess taken.)

19 THE VIDEOGRAPHER: We are back on the record
20 at 11:31 a.m.

21 BY MR. MERINO:

22 Q Mr. Haug, you mentioned that you key price
23 and retail changes into the system, right, you and your
24 team?

25 A Retail changes, yes.

1 Q What's the difference between a price change
2 and a retail change, or is that the same thing?

3 A My assumption is is they're the same thing.
4 It's the retail price at the shelf.

5 Q From when you and your team key a retail
6 change into the system, how long does it take to reflect
7 at the point of sale?

8 A It depends.

9 Q Can you give me a range of time frames?

10 A It depends on when you would want the price
11 to be active. It could be anywhere from tomorrow to
12 eight weeks from now.

13 Q Can you give me a little more detail into the
14 actual process itself of keying the retail changes into
15 the system?

16 MR. TAYLOR: Objection. Form.

17 You can answer.

18 THE WITNESS: My team receives a request to
19 make the retail change, and then they key it into
20 the system for whatever is appropriate, and it goes
21 through an approval process. And then that's the
22 extent of our involvement.

23 BY MR. MERINO:

24 Q Are you the one that handles this approval
25 process?

1 A Not typically, but there are certain aspects
2 in which I'm part of the approval process.

3 Q What aspects are those?

4 A There are a couple of different reports that
5 if it falls outside the boundary of what was forecasted,
6 then it would go to me for approval.

7 Q So did you typically receive forecasts of the
8 retail changes ahead of time?

9 MR. TAYLOR: Objection. Form.

10 You can answer.

11 THE WITNESS: As it relates to markdown
12 forecasts, yes. And as it relates to other price
13 changes, typically.

14 BY MR. MERINO:

15 Q Does your approval process at all entail
16 ensuring that the shelf labels at the stores accurately
17 reflect the price that is being pushed to the store?

18 MR. TAYLOR: Objection. Form.

19 THE WITNESS: No.

20 BY MR. MERINO:

21 Q Do you know who is responsible for that?

22 MR. TAYLOR: Objection. Form.

23 THE WITNESS: I am not sure, no.

24 BY MR. MERINO:

25 Q So as far as keying the price changes into

1 the system, again, can you describe that a little more
2 in detail for me? As an example, does that involve,
3 like, manual entry? Can you describe what the team
4 actually does and how those retail changes get keyed
5 into the system?

6 MR. TAYLOR: Objection. Form.

7 You can answer.

8 THE WITNESS: It's largely a manual entry.
9 We have upload sheet -- upload Excel spreadsheet
10 options. Some of them are systemic.

11 BY MR. MERINO:

12 Q What do you mean by "some of them are
13 systemic"?

14 A We have some, largely due to regulatory
15 reasons, where if the cost changes, the retail
16 automatically adjusts in the system.

17 Q When you say "the cost changes," the cost of
18 what?

19 A The cost of the item, that we pay.

20 Q So this is what you pay the vendor for the
21 item?

22 A Correct.

23 Q So do you know -- do you know how many
24 products fall within this category of automatic retail
25 changes?

1 A It's largely alcohol related.

2 Q What about nonalcoholic products?

3 A Those would largely go through manual entry.

4 Q So can you describe a little more to me this
5 automatic adjustment process?

6 MR. TAYLOR: Objection. Form.

7 You can answer.

8 THE WITNESS: As the cost is entered into the
9 system, the new cost that we've received from the
10 vendors, the system maintains a relative gap
11 between the shelf retail and the cost that we're
12 paying for the product.

13 BY MR. MERINO:

14 Q I'm still having a little trouble
15 understanding. So let's just say the -- the retail
16 price of a bottle of alcohol is \$10 and the cost to
17 purchase it from the vendor is \$5. Right? So is what
18 you're saying, that in some instances when -- if the
19 vendor were to increase the cost, let's say, from \$5 to
20 \$7, then the retail price would automatically increase
21 as well?

22 A Correct.

23 Q Are you aware of what dictates that automatic
24 increase?

25 MR. TAYLOR: Objection. Form.

1 You can answer.

2 THE WITNESS: It's -- it's the spread that is
3 built into the system.

4 BY MR. MERINO:

5 Q And you said that is the spread between the
6 shelf label price and the cost of the product?

7 A Correct.

8 Q So when -- when that automatic adjustment
9 happens, is your team at all involved in that price
10 change?

11 MR. TAYLOR: Objection. Form.

12 You can answer.

13 THE WITNESS: We key in the cost.

14 BY MR. MERINO:

15 Q Okay. So -- so it's your team that receives
16 reports of increase in cost of the products; is that
17 correct?

18 A As it relates to alcohol?

19 Q Sure. Or other products.

20 A Not -- well, not all other products, no.

21 Q Okay. But for alcohol, yes?

22 A For alcohol, the pricing team will receive
23 the new cost structure from the vendors and input that
24 into the system.

25 Q Are there any other categories of products

1 for which your team receives similar reports?

2 A From a cost perspective, no.

3 Q Why is it that your team only gets reports
4 for alcoholic products?

5 MR. TAYLOR: Objection. Form.

6 You can answer.

7 THE WITNESS: Those are the products that are
8 in that system. Again, there's regulations that
9 are built around a number of these products.

10 BY MR. MERINO:

11 Q Are you aware of what the regulations are?

12 A I am not.

13 Q Do you know why those products -- let me
14 strike that question.

15 When the vendor increases -- let me strike
16 that question.

17 When the vendor of an alcoholic product
18 increases the cost of said product, is your team the
19 first team that receives that report?

20 MR. TAYLOR: Objection. Form.

21 You can answer.

22 THE WITNESS: I can't answer that question.

23 BY MR. MERINO:

24 Q Who is it that you get the report from?

25 A We may get them from the vendor. We may get

1 them from somebody on the buying side.

2 Q So when -- when you get these reports --
3 these alcoholic product reports and enter them -- let me
4 strike that question.

5 What is the typical turnaround time frame
6 from receiving said alcoholic product report to keying
7 it into the system?

8 A It can -- it can vary. Again, it depends on
9 how extensive and any number of factors.

10 Q How extensive what?

11 A How extensive the -- how broad-based the --
12 the change is. The number of stores impacted, as an
13 example.

14 Q So why would that affect the turnaround time
15 from receipt to entry in the system?

16 A It's a store SKU entry that's done manually.

17 Q So let's say, as an example, you receive a
18 cost increase for a bottle of alcohol chain-wide. So
19 are you saying it would take longer for you to enter
20 that into the system than if it were for five stores,
21 because it has to be manually entered?

22 MR. TAYLOR: Objection. Form.

23 You can answer.

24 THE WITNESS: It's actually not possible.

25 BY MR. MERINO:

1 Q What do you mean it's not possible?

2 A There are no alcoholic beverage distributors
3 that are nationwide.

4 Q Okay. Within New York, who is the largest
5 alcoholic beverage distributor?

6 A I have -- I don't know.

7 Q What's the largest -- let me strike that
8 question.

9 In terms of number of stores affected, what's
10 the -- what's the largest quantity of stores that you've
11 seen with that type of cost change?

12 MR. TAYLOR: Objection. Form.

13 You can answer.

14 THE WITNESS: I don't know. I'd have to
15 research.

16 BY MR. MERINO:

17 Q Have you seen over a thousand?

18 A As I said, I don't know.

19 Q Have you seen over five?

20 A As I said, I don't know.

21 MR. TAYLOR: Form.

22 BY MR. MERINO:

23 Q Okay. But -- so, nonetheless, once the
24 manual entry is complete, at that point, it gets
25 automatically uploaded into the system for the POS

1 change?

2 MR. TAYLOR: Objection. Form.

3 You can answer.

4 THE WITNESS: It depends on when the
5 effective date is.

6 BY MR. MERINO:

7 Q Does the effective date -- let me strike that
8 question.

9 What determines the effective date?

10 A The date the cost change would become
11 effective.

12 Q What's the typical notice that the change --
13 ahead of time of the cost change?

14 MR. TAYLOR: Objection. Form.

15 THE WITNESS: We may get a week.

16 BY MR. MERINO:

17 Q Okay. Is it at least a week? Up to a week?
18 On average a week?

19 A I -- I -- I can't -- I don't have the
20 statistics on what's average, normal, or -- or anything
21 else. But I believe typically we get notice in --
22 within a week.

23 Q Once -- so once your team keys that into the
24 system, are you aware of any other checks that are in
25 place before the price of that product hits the shelves?

1 MR. TAYLOR: Objection. Form.

2 BY MR. MERINO:

3 Q I'm sorry. Let me strike that question.

4 Once you enter that into the -- the system,
5 are you aware of any other checks or approval processes
6 before the price hits the POS?

7 MR. TAYLOR: Objection. Form.

8 THE WITNESS: We make sure that the buyer for
9 that area is aware and is aligned with what the
10 impact of that is. Past that point, it goes
11 through IT.

12 BY MR. MERINO:

13 Q What do you mean "the buyer for that area"?

14 A We have a buyer that's responsible for, in
15 this case, alcohol products.

16 Q So do you have -- and this buyer, is this a
17 Dollar General employee as well?

18 A Yes.

19 MR. MERINO: Trent, if you want, I'm fine
20 with taking a lunch break now. I know you
21 mentioned 11:45.

22 MR. TAYLOR: Yeah, it was actually 12:45.
23 So, I mean, it's up to you. Remember, we're on
24 Central.

25 MR. MERINO: Oh. Oh, I'm sorry. I got the

1 -- I got the -- the time frame mixed up. Okay.

2 No, no. We can -- we can keep going. Sorry about
3 that.

4 BY MR. MERINO:

5 Q Okay. So are you aware of any -- any checks
6 that are in place to ensure that the shelf label for
7 that alcoholic product is in place before the price is
8 updated at the POS system?

9 MR. TAYLOR: Objection. Form.

10 THE WITNESS: I'm not aware of that, no.

11 BY MR. MERINO:

12 Q When you receive price changes -- excuse me.
13 Let me strike that question.

14 When you receive a request for retail or
15 price changes, are these requests for price changes
16 chain-wide? Are they -- does each store differ as the
17 price changes? Is it a little bit of both? Can you
18 give me a bit more detail as to kind of what that scope
19 is in terms of stores?

20 MR. TAYLOR: Objection. Form.

21 THE WITNESS: Each store -- each store can be
22 different, I guess.

23 BY MR. MERINO:

24 Q Are there instances where price changes are
25 rolled out chain-wide?

1 A Yes.

2 Q Are there instances where the exact same
3 price change for a particular product is rolled out
4 chain-wide?

5 MR. TAYLOR: Objection. Form.

6 THE WITNESS: I'm sorry. Can you repeat?

7 BY MR. MERINO:

8 Q Are there instances where the exact same
9 price change for a particular product is rolled out
10 chain-wide?

11 A Yes.

12 MR. TAYLOR: Objection. Form.

13 You can answer.

14 THE WITNESS: Sorry. Yes.

15 BY MR. MERINO:

16 Q And what dictates the scope of stores that
17 the price change is to effectuate?

18 A It's based on the request that we receive.

19 Q Are most requests that you receive for price
20 changes chain-wide?

21 MR. TAYLOR: Objection. Form.

22 THE WITNESS: I couldn't say definitively one
23 way or another.

24 BY MR. MERINO:

25 Q How many price changes -- let me strike that

1 question.

2 How frequently does your team receive price
3 changes?

4 MR. TAYLOR: Objection. Form.

5 You can answer.

6 THE WITNESS: We -- we typically roll price
7 changes out weekly.

8 BY MR. MERINO:

9 Q Are there instances where they are rolled out
10 more frequently than that?

11 A Only in the rarest of occasions. In other
12 words, if there is a recall.

13 Q And what about if the price of a product was
14 marked up incorrectly?

15 MR. TAYLOR: Objection. Form.

16 BY MR. MERINO:

17 Q Has your team encountered such a request
18 before?

19 MR. TAYLOR: Same objection.

20 THE WITNESS: When you're -- when you're
21 asking that question, what -- at what point in the
22 process are you asking?

23 BY MR. MERINO:

24 Q At the POS.

25 A If we key in a price and we make a mistake,

1 then it will -- it will flow through the system, but the
2 shelf strip would also reflect the miskeyed price. So
3 there is still no discrepancy at the point of sale.

4 Q How is it that you know that the shelf strip
5 would reflect the same price?

6 MR. TAYLOR: Objection. Form.

7 You can answer.

8 THE WITNESS: When we enter the price, if
9 there is a change in retail, the system
10 automatically generates a new label for the
11 impacted stores.

12 BY MR. MERINO:

13 Q At what point in the price change process is
14 -- does the system generate a new label for the impacted
15 stores?

16 MR. TAYLOR: Objection. Form.

17 THE WITNESS: I don't have the specifics if
18 you're asking for timing. That would be an IT
19 question.

20 BY MR. MERINO:

21 Q Do you know if it happens after your team
22 inputs the price changes into the system?

23 MR. TAYLOR: Objection.

24 THE WITNESS: It would be after they were
25 approved.

1 BY MR. MERINO:

2 Q So once the labels are generated after the
3 price is changed, how is it that the label makes its way
4 from the system into the store?

5 MR. TAYLOR: Objection. Form.

6 THE WITNESS: I don't know.

7 BY MR. MERINO:

8 Q If we wanted to go back and look at a
9 particular price change for a specific product at a
10 specific store, let's say a gallon of milk at a store in
11 Queens, New York, and you wanted to look at the price
12 change around December 1st, are you aware if you could,
13 in a sense, reverse engineer and see all of the stores
14 which were impacted by that particular price change?

15 MR. TAYLOR: Objection. Form.

16 You can answer.

17 THE WITNESS: I'm not sure that I could
18 reverse engineer. I could see when we keyed the
19 price change in and when the effective date for
20 that was.

21 BY MR. MERINO:

22 Q So -- and I may be using the wrong term here.
23 But maybe a better way to say it, if -- if someone came
24 to you and said, Mr. Haug, I want to know all of the
25 stores which were affected -- let me strike that

1 question --

2 -- Mr. Haug, I want to know all of the stores
3 which had this price change to this product that we see
4 here at this particular store, is that information that
5 you're able to readily identify?

6 MR. TAYLOR: Objection. Form.

7 You can answer.

8 THE WITNESS: I'd have to research.

9 BY MR. MERINO:

10 Q Are there spreadsheets that you maintain
11 which provide a list of all stores which are affected by
12 any particular retail chain -- change?

13 MR. TAYLOR: Objection. Form.

14 THE WITNESS: There are no spreadsheets that
15 I'm aware of where we maintain store SKU changes.

16 BY MR. MERINO:

17 Q So your team, as part of its process, will
18 input the change as well as the affected stores for any
19 particular product, right?

20 MR. TAYLOR: Objection. Form.

21 THE WITNESS: Correct.

22 BY MR. MERINO:

23 Q And where is it that you enter that
24 information to?

25 A The system it's keyed into is GOLD. It's the

1 system name.

2 Q How long has Dollar General been using GOLD?

3 A I couldn't answer that question.

4 Q Have they been using GOLD as long as you've
5 been employed there?

6 A I -- I'm not entirely sure, but I wouldn't be
7 surprised.

8 Q Have they been using GOLD within the four
9 years that you've been within this VP position?

10 A Yes.

11 Q Are you aware if one, through GOLD, can
12 access historical data and records of past price
13 changes?

14 MR. TAYLOR: Objection. Form.

15 THE WITNESS: Off the top of my head, I'm not
16 sure, no.

17 BY MR. MERINO:

18 Q So once your team inputs and approves the
19 retail change, you said from there it goes to IT, right?

20 MR. TAYLOR: Objection. Form.

21 THE WITNESS: It flows through the system.

22 BY MR. MERINO:

23 Q Do you know what happens as it flows through
24 the system?

25 A I -- I'm not aware of the specifics, no.

1 Q So in terms of once the price change leaves
2 your team to when it hits the POS, you have no knowledge
3 of what happens in between, right?

4 MR. TAYLOR: Objection. Form.

5 THE WITNESS: That's correct.

6 BY MR. MERINO:

7 Q Are there instances where IT may kick back a
8 particular price change?

9 MR. TAYLOR: Objection. Form.

10 THE WITNESS: Not that I've ever seen.

11 BY MR. MERINO:

12 Q When your team receives a request for a price
13 change, does it typically affect more than one store at
14 once?

15 MR. TAYLOR: Objection. Form.

16 THE WITNESS: Typically, yes.

17 BY MR. MERINO:

18 Q How is it that your team is provided with the
19 list of stores?

20 MR. TAYLOR: Objection. Form.

21 THE WITNESS: It depends on what the -- what
22 the request is about.

23 BY MR. MERINO:

24 Q Can you give me some examples?

25 A If it is a price change on a core replenished

1 item, we'll receive a spreadsheet from the price
2 strategy team that shows what the price in various zones
3 should be, and then we'll key that in accordingly.

4 Q So are the Dollar General stores organized
5 within different zones?

6 A Yes. There are a number of different
7 organizational structures.

8 Q And how many different zones are there?

9 A Off the top of my head, I don't have the
10 exact number, but in the neighborhood of 20 to 25.

11 Q Are these zones organized geographically?

12 MR. TAYLOR: Objection. Form.

13 THE WITNESS: Largely, no.

14 BY MR. MERINO:

15 Q Okay. How is it that they're generally
16 organized?

17 MR. TAYLOR: Objection.

18 THE WITNESS: There are a number of different
19 factors that go into the creation of the zones.

20 Competitive --

21 BY MR. MERINO:

22 Q What are some of these -- go ahead.

23 A Competition. We may have a test zone. And
24 there are a number of different factors that can go into
25 the creation of a zone.

1 Q Do you know how many zones there are in New
2 York's stores?

3 A I do not, no.

4 Q So what you're saying is, for any -- a price
5 change on any one product, there may be different zones
6 which all receive a request for a price change, but each
7 zone has specifically a different price change within
8 that zone; is that an accurate statement?

9 MR. TAYLOR: Objection. Form.

10 THE WITNESS: Not entirely, no.

11 BY MR. MERINO:

12 Q Okay. What's inaccurate about it?

13 A It may be -- it may only be -- it may be the
14 same price across all the zones or it may only be one or
15 two different prices that are shared across all the zone
16 structure.

17 Q So, typically, the most, in terms of
18 variance, that you see in price change for any
19 particular product might be one or two different price
20 changes?

21 MR. TAYLOR: Objection. Form.

22 THE WITNESS: Yeah, probably in the two to
23 three range.

24 BY MR. MERINO:

25 Q Are there instances where, in your approval

1 process, you rejected a particular request for a price
2 change?

3 MR. TAYLOR: Objection. Form.

4 THE WITNESS: Yes.

5 BY MR. MERINO:

6 Q And what are some of the reasons why you have
7 rejected a price change?

8 A If the item is prepriced, if the item is
9 subject to -- it's in the middle of going through a
10 planogram reset, our intent is not to disrupt and create
11 any kind of discrepancies.

12 Q How is it that your team knows whether or not
13 a particular product for which you've received a price
14 change request is, you know, prepriced or subject to a
15 planogram reset?

16 A Part of the process is to review for any
17 condition that would otherwise put the item in a
18 blackout.

19 Q What is a blackout?

20 A Where we would avoid taking the price within
21 that window. Changing the price, rather, within that
22 window.

23 Q So if a product is prepriced, that's one
24 reason where an item may be put in a blackout?

25 A Correct.

1 Q Why is that?

2 A If the item is already prepriced at \$2 and we
3 receive a price change to \$1.75, then we would hold off
4 on that until that can be reconciled.

5 Q How is it you determine if a product is
6 prepriced or not?

7 A One moment. I'm still getting dinged here.
8 I need to --

9 MR. TAYLOR: Okay.

10 THE WITNESS: I've come off. I'm on do not
11 disturb. I'm sorry.

12 MR. TAYLOR: Okay. Can we go off the record
13 for just one second?

14 MR. MERINO: Yeah. Yeah. We'll go off the
15 record.

16 THE VIDEOGRAPHER: We are off the record at
17 12:07 p.m.

18 (Recess taken.)

19 THE VIDEOGRAPHER: We are back on the record
20 at 12:09 p.m.

21 BY MR. MERINO:

22 Q Mr. Haug, for any particular product for
23 which you receive a price change request, how is it
24 determined, let's say, if that product is prepriced or
25 not? Is that information provided to you? Do you need

1 to verify that yourself? How is it that your team finds
2 out?

3 MR. TAYLOR: Objection. Form.

4 THE WITNESS: It's in the item master file.

5 BY MR. MERINO:

6 Q Okay. What is an -- I'm sorry. What is an
7 item master file?

8 A It's a -- it's a file that contains all of
9 our SKUs and attributes associated with those SKUs.

10 Q What are some of the attributes that are
11 associated with those SKUs?

12 A The vendor, whether it's prepriced, the item
13 description. There's quite a number of them.

14 Q And is that information provided to you along
15 with the price change request?

16 A Typically, no.

17 Q Okay. But is that information readily
18 accessible to you and your team?

19 MR. TAYLOR: Objection. Form.

20 THE WITNESS: We research. Yes.

21 BY MR. MERINO:

22 Q And is that information stored within Dollar
23 General's systems?

24 A Yes.

25 Q And what ultimately determines how long a

1 product is in a blackout?

2 A It depends on what the reason is. If it's --

3 Q Let's say it's because a product is
4 prepriced.

5 A Until we receive confirmation that the
6 product is either -- is not prepriced or that the price
7 change would not impact the preprice, it would remain on
8 blackout.

9 Q So are you and your team then the individuals
10 responsible for determining whether a product is marked
11 a blackout or not?

12 MR. TAYLOR: Objection. Form.

13 THE WITNESS: We notify the teams who submit
14 it for the price request. That's it.

15 BY MR. MERINO:

16 Q So did you actually make -- let me strike
17 that question.

18 Do you and your team actually make the
19 decision to put it in a blackout or do you simply
20 recommend that a product be put in a blackout?

21 MR. TAYLOR: Objection. Form.

22 THE WITNESS: We simply note that an item
23 qualifies for being within the blackout.

24 BY MR. MERINO:

25 Q Who decides whether or not an item is

1 ultimately blacked out?

2 MR. TAYLOR: Objection. Form.

3 THE WITNESS: The teams that submitted it
4 will either offer an explanation or delay their
5 price change.

6 BY MR. MERINO:

7 Q When a product is prepriced, is that an
8 instance where the price of that product is the same at
9 every store which sells that product?

10 MR. TAYLOR: Objection. Form.

11 You can answer.

12 THE WITNESS: I would say, by and large,
13 that's the case.

14 BY MR. MERINO:

15 Q Have you seen examples where that's not the
16 case?

17 A I can't think of anything specific, but I'm
18 -- there is -- yeah, I can't think of anything specific
19 at this point.

20 Q So if you receive a price request for a
21 prepriced product, is it safe to say the stores affected
22 would and should be every store that sells that product?

23 MR. TAYLOR: Objection. Form.

24 THE WITNESS: I'm sorry. Can you rephrase?

25 BY MR. MERINO:

1 Q Sure. Let's say that you receive a price
2 request -- a price change request for a prepriced
3 product. Is it safe to say that the scope of stores
4 affected are all stores which sell that prepriced
5 product?

6 MR. TAYLOR: Same objection.

7 THE WITNESS: Yeah. Any -- any of the stores
8 that would have that on hand.

9 BY MR. MERINO:

10 Q Have you seen instances where, for whatever
11 reason, a POS for a prepriced product is ringing up a
12 higher price than the actual marked price on a product?

13 MR. TAYLOR: Objection. Form.

14 THE WITNESS: I'm -- I'm not familiar with
15 that, no.

16 BY MR. MERINO:

17 Q You mentioned another potential reason to
18 reject a price change is if a product is subject to a
19 planogram reset, right?

20 A Correct.

21 Q Why would that be a reason to reject a price
22 change?

23 MR. TAYLOR: Objection. Form.

24 You can answer.

25 THE WITNESS: If the price change would

1 potentially conflict with the shelf strips that are
2 going up on -- for that particular planogram, we
3 wouldn't want the conflict.

4 BY MR. MERINO:

5 Q What exactly is a planogram reset?

6 A It's where a particular group of products are
7 -- basically, we introduce new products, discontinue old
8 ones, and a number of other activities, I guess, that
9 get associated with that.

10 Q What goes on during a planogram reset?

11 MR. TAYLOR: Objection. Form.

12 THE WITNESS: I -- I couldn't speak to that.

13 BY MR. MERINO:

14 Q So is the concern that if a product is in the
15 middle of a reset and a price change is pushed out, that
16 the shelf label, which is part of that reset, won't
17 reflect the price that was pushed out?

18 MR. TAYLOR: Objection. Form.

19 You can answer.

20 THE WITNESS: The shelf label would reflect
21 the price update. The concern would be that if a
22 store resets after that, they could pull that shelf
23 strip. They could pull that label down.

24 BY MR. MERINO:

25 Q So is it -- is it typical that planogram

1 resets are done in conjunction -- let me strike that
2 question.

3 Okay. So the concern is that the price
4 change would update, then there would be a planogram
5 reset, and in conjunction with that reset, a label would
6 be put on which does not reflect the update. Is that an
7 accurate statement of the concern?

8 MR. TAYLOR: Objection. Form.

9 You can answer.

10 THE WITNESS: That's the concern, yes.

11 BY MR. MERINO:

12 Q How long do planogram resets usually take?

13 A It depends on the reset.

14 Q Can you give a range of the length of time it
15 might take?

16 MR. TAYLOR: Objection. Form.

17 THE WITNESS: It could be one day to three
18 weeks.

19 BY MR. MERINO:

20 Q Why would a planogram reset take three weeks
21 to complete?

22 A If we have a third party supporting it.

23 Q Who would the third party be that's
24 supporting the planogram reset?

25 A I can't speak to if there are others, but

1 Driveline is the only one that comes to mind.

2 Q Is -- so Driveline is a third-party vendor
3 hired by Dollar General to perform some of these
4 planogram resets?

5 MR. TAYLOR: Objection. Form.

6 You can answer.

7 THE WITNESS: Yes. I'm not sure how
8 extensively they're used, though.

9 BY MR. MERINO:

10 Q Why is it that Driveline would take three
11 weeks to complete a planogram reset?

12 MR. TAYLOR: Objection. Form.

13 THE WITNESS: I couldn't answer that
14 question.

15 MR. TAYLOR: Javier, I need to use the
16 restroom. So it doesn't have to be right this
17 second, but if you want to find a good stopping
18 spot in the next few minutes, maybe we could go
19 ahead and do that and go ahead and take our lunch
20 break as well.

21 MR. MERINO: Yeah, you know, I'm fine if you
22 want to take a lunch break now. We can come back
23 in half an hour. Is that fine with you, Trent?

24 MR. TAYLOR: Yeah.

25 MR. MERINO: Okay.

1 MR. TAYLOR: That works.

2 MR. MERINO: Okay. So do you want to come
3 back at 1:50? Is that enough time?

4 MR. TAYLOR: It should be. If -- if -- you
5 know, if we get held up in a line or something, it
6 may be a few minutes past that, but we'll try our
7 best.

8 MR. MERINO: Okay. All right. Sounds good.
9 We'll do that.

10 THE VIDEOGRAPHER: This is the end of Media
11 Unit Number 1. We are off the record at 12:21 p.m.

12 (Recess taken from 12:21 p.m. to 1:02 p.m.)

13 THE VIDEOGRAPHER: This is the beginning of
14 Media Unit Number 2. We are on the record at
15 1:02 p.m.

16 BY MR. MERINO:

17 Q Mr. Haug, when you push out price labels to
18 stores, is there any way that you verify that the labels
19 -- let me restate that question.

20 As part of your process of pushing prices out
21 to stores, is there any process that you or your team
22 undertake to make sure that the shelf labels at the
23 store accurately reflect the new price?

24 MR. TAYLOR: Objection. Form.

25 You can answer.

1 THE WITNESS: Not my team specifically, but I
2 believe there are other processes on the store
3 operations side.

4 BY MR. MERINO:

5 Q What processes are those?

6 A I'm not familiar with that, no.

7 Q So when you push out a price to a store, you
8 don't know for sure what the shelf label for that price
9 is reflecting at that time; is that a fair statement?

10 MR. TAYLOR: Objection. Form.

11 THE WITNESS: Please clarify what you're
12 asking.

13 BY MR. MERINO:

14 Q If you push a product -- let me -- let me
15 strike that question.

16 Before a price change of a product takes
17 effect at a store, is there any way that you or your
18 team know for sure that the shelf label in place has
19 been updated to reflect the change -- the price change?

20 MR. TAYLOR: Objection. Form.

21 THE WITNESS: When the price change -- excuse
22 me. When the price change goes live, somewhere
23 within that process, a label update is sent to the
24 stores.

25 BY MR. MERINO:

1 Q Now, when price changes are updated, how is
2 it that the shelf labels get updated?

3 MR. TAYLOR: Objection. Form.

4 THE WITNESS: I'm not -- I'm not familiar
5 with the technical process.

6 BY MR. MERINO:

7 Q Is it done through force prints?

8 A When we make price changes, the -- it's
9 generated automatically.

10 Q When you say "generated automatically," is it
11 automatically printed at the local store?

12 A Again, I'm not familiar with what the store
13 process is.

14 Q But I want to go back to this blackout
15 process. You mentioned one of the reasons you may
16 notify that a product is -- qualifies for blackout is
17 that it is prepriced; is that right?

18 A That's correct. And when -- if -- if the
19 item at the time that we pull the data is flagged as
20 prepriced, an item master will notify the teams.

21 Q But is it -- is it the policy then that the
22 price does not roll out until -- until the actual
23 prepriced label on the product itself is updated?

24 MR. TAYLOR: Objection. Form.

25 THE WITNESS: There are any number of reasons

1 we would still roll a price out or hold it back.

2 BY MR. MERINO:

3 Q Okay. What's a reason why you would still
4 roll it out?

5 A If modifications have been made to sticker
6 over the preprice. If -- well, that's one example,
7 anyway.

8 Q When you say a modification made to the
9 sticker over the preprice, who is implementing the
10 modification?

11 A I can't speak to that. Again, I don't know
12 how that process works.

13 Q Does that involve a label being force printed
14 over the -- over the prepriced product packaging?

15 A Again --

16 MR. TAYLOR: Objection. Form.

17 THE WITNESS: -- I'm not aware of what the
18 actual process would be.

19 BY MR. MERINO:

20 Q So who is it that makes the determination as
21 to whether a file remains in blackout or not?

22 MR. TAYLOR: Objection. Form.

23 THE WITNESS: The teams that ultimately get
24 notified will make the determination whether or not
25 it warrants superseding the blackout.

1 BY MR. MERINO:

2 Q And what team is that -- or what teams?

3 A It may be the price strategy team, as an
4 example.

5 Q Who has that team?

6 A Nick Snow.

7 Q So if Nick Snow comes back to you and says
8 that your blackout notification is rejected, do you at
9 that point then push the price out to the store?

10 MR. TAYLOR: Objection. Form.

11 You can answer.

12 THE WITNESS: At that point we would execute
13 on whatever day they've asked for execution.

14 MR. MERINO: I'd like to introduce what's
15 been premarked as Exhibit 1.

16 (Exhibit 1 was marked for identification.)

17 BY MR. MERINO:

18 Q I'm using the same Exhibit Share software.
19 Let me know once you -- once you see it.

20 A I can see it.

21 Q Did you review this document before today's
22 deposition?

23 A I've seen it before, but I did not read it in
24 depth.

25 Q How much time did you spend preparing for

1 today's deposition?

2 A I don't know exactly, but give or take six or
3 seven hours.

4 Q Was that over one day? Was that over two
5 days? More?

6 A One day.

7 Q What day was that?

8 A Yesterday.

9 Q Was that preparation with your counsel?

10 A Excuse me. Yes, it was with my counsel.

11 Q Was there anybody else at Dollar General that
12 you had discussions with in preparation for today's
13 deposition?

14 A No.

15 Q What documents did you review in preparation
16 for today's deposition?

17 A I -- we went -- we went over a number of
18 documents. I -- it was a little bit of drinking through
19 a fire hose.

20 Q Okay. Do you recall what some of those
21 documents were?

22 A No, not -- not specifically. No, I don't.

23 Q So you don't remember any of the documents
24 that you reviewed preparing for today?

25 A All I can do is say -- tell you whether

1 something looked familiar or not. And so the document
2 that you're showing looks familiar. But beyond that, I
3 couldn't address the specific...

4 Q Did you review any pricing audits for today?

5 MR. TAYLOR: Objection. Form.

6 THE WITNESS: I'm -- you'd have to be
7 specific as far -- I'm not sure what you mean by
8 "pricing audits."

9 BY MR. MERINO:

10 Q Did you review any government pricing audits
11 in preparation for today?

12 A There -- there may have been one or two. I
13 don't -- I don't recall specifically.

14 Q Mr. Haug, did you have a discussion with your
15 counsel while we were on break?

16 A About this deposition?

17 Q Yes.

18 A No.

19 MR. MERINO: Okay. I'm introducing what's
20 been premarked as Exhibit 2.

21 (Exhibit 2 was marked for identification.)

22 BY MR. MERINO:

23 Q Mr. Haug, let me know once you have it up.

24 A I have it up.

25 Q Do you see there on the first page,

1 Bates-stamped 2950, the reference to ERM high risk
2 dashboard?

3 A Yes.

4 Q Okay. Can you describe what the ERM high
5 risk dashboard is?

6 A I'm not familiar with what the dashboard is.
7 I've not -- I've not seen it.

8 Q Are you aware that you were one of the direct
9 recipients of this email?

10 A Yes.

11 Q And your testimony today is that you are not
12 aware of what that dashboard is?

13 A I have not seen the dashboard. I -- I know
14 what this was in reference to, but not specifically with
15 regards to the dashboard, no.

16 Q Okay. And what was this in reference to?

17 A On a quarterly basis, I meet with the
18 internal audit team to discuss -- you can see some of
19 the bullets there around -- again, based on forecasts
20 and risks and opportunities to the business.

21 Q Who else participates in your meeting with
22 the quarterly audit team?

23 A The five that you see there.

24 Q Do you discuss the pricing audits during
25 those meetings?

1 MR. TAYLOR: Objection. Form.

2 You can answer.

3 THE WITNESS: No, I do not.

4 BY MR. MERINO:

5 Q Does anybody discuss pricing audits during
6 those meetings?

7 MR. TAYLOR: Same objection.

8 THE WITNESS: Not that I recall.

9 BY MR. MERINO:

10 Q Mr. Haug, can you scroll to page 16 of the
11 PDF? It's Bates-stamped 2965. Let me know once you're
12 there.

13 A I'm sorry. Is this a new file?

14 Q It's the same one, so just keep scrolling
15 down. When in the Exhibit Share, if you scroll to
16 page 16, you'll see it there. The Bates stamp on the
17 bottom is 2964.

18 A 2964?

19 Q Yes. Do you see that there where it --

20 A Looking at this directly, it says 2964 is
21 showing as redacted, nonresponsive.

22 Q I apologize. 2965.

23 A Okay. I'm there.

24 Q Okay. So this is the dashboard that was
25 attached to that email from Lindsay to you, right?

1 MR. TAYLOR: Objection. Form.

2 THE WITNESS: I -- I -- I can't answer.

3 Yeah, if that's what you're saying. I did not look
4 at the attachments to the email.

5 BY MR. MERINO:

6 Q You see where it says there, under general
7 compliance, "Outlook: Neutral/Negative"?

8 A Yes.

9 Q And it says, "Risk: Noncompliance with
10 applicable laws and regulations could result in
11 significant fines and negative brand perception"?

12 A I see where it reads that, yes.

13 Q Do you know why that would be highlighted on
14 this ERM risk -- high risk dashboard?

15 MR. TAYLOR: Objection. Form.

16 Sorry, Javier. When you say "highlighted,"
17 do you mean, like, with yellow ink? Because that's
18 not on the copy we have.

19 MR. MERINO: I just mean -- I'll rephrase the
20 question.

21 BY MR. MERINO:

22 Q Do you know why this was specifically denoted
23 with this dashboard?

24 A No, I do not know.

25 Q Do you know why you were included on the

1 email?

2 MR. TAYLOR: Objection. Form.

3 THE WITNESS: Because in my role of
4 forecasting the sales and margin for the business,
5 I have a perspective, I suppose, to offer.

6 BY MR. MERINO:

7 Q Would that perspective at all be related to
8 the on-shelf price matching the register price?

9 A No.

10 MR. TAYLOR: Objection. Form.

11 THE WITNESS: It would not.

12 BY MR. MERINO:

13 Q What about the frequency of price changes?

14 MR. TAYLOR: Same objection.

15 THE WITNESS: I'm sorry. What about? What's
16 -- what's the question?

17 BY MR. MERINO:

18 Q I'll strike that question. Do you see that
19 statement there that starts with -- it's under "Outlook:
20 Neutral/Negative?" It's the last sentence in that
21 paragraph. Do you see there where it says: "Given
22 inflationary pressures" -- sentence?

23 A Yes, I see that sentence.

24 Q Why is it that the frequency of price changes
25 would have any effect on there being a price

1 discrepancy?

2 MR. TAYLOR: Objection. Form.

3 You can answer.

4 THE WITNESS: I'm not sure that I can speak
5 to why that would be the case.

6 BY MR. MERINO:

7 Q Do you know who could speak to that?

8 A No, I don't.

9 Q Do you know if any of the -- one of the five
10 individuals on that email would be someone that could
11 speak to that?

12 MR. TAYLOR: Objection. Form.

13 THE WITNESS: Again, I'm -- I -- I'm not -- I
14 didn't write this, so I'm not sure where that
15 statement came from.

16 BY MR. MERINO

17 Q But you were asked for your input in response
18 to this dashboard that was put together, right?

19 MR. TAYLOR: Objection. Form.

20 THE WITNESS: I was asked for input with
21 regards to the areas -- my -- I guess my area of
22 expertise or my area of focus.

23 BY MR. MERINO:

24 Q And what areas would that be?

25 A Sales and margin forecasting.

1 Q But you identified one of your areas of work
2 as price execution, right?

3 A Yes. Price execution goals for me.

4 Q And your -- is it -- it's accurate to say
5 that you are the last stop before IT, before the price
6 hits -- before there is a price change at the POS?

7 MR. TAYLOR: Objection. Form.

8 THE WITNESS: I guess I'm not sure what
9 you're asking specifically.

10 BY MR. MERINO:

11 Q I'll strike that question.

12 MR. MERINO: I'm sharing here what's been
13 premarked as Exhibit 3.

14 (Exhibit 3 was marked for identification.)

15 THE WITNESS: Okay.

16 BY MR. MERINO:

17 Q Do you see this document?

18 A I see it, yes.

19 Q Can you scroll to the last page, Bates-stamp
20 9494?

21 A I'm there.

22 Q Whose -- whose -- do you see the email from
23 you to Philip Trentle dated June 20th?

24 A I do.

25 Q Sorry. If you could just give me one quick

1 second.

2 Sorry about that. Can you describe to me
3 what it is that you're emailing Mr. Trentle about?

4 A I believe a request was made to look at the
5 potential of force printing labels to ensure price
6 integrity as the perishables reset was underway.

7 Q So what was your involvement in the
8 perishables reset?

9 A My -- well, I -- I'm not involved in the
10 perishables reset.

11 Q Then why is it that you're emailing
12 Mr. Trentle about the perishables reset if you're not
13 involved in the reset?

14 A As if, in this case, Mr. Miller requested a
15 forced print of labels associated with his reset, again,
16 to ensure price integrity. And so that would be where
17 my team's involvement would be, at that request.

18 Q So Mr. Miller emailed you requesting a force
19 print?

20 MR. TAYLOR: Objection. Form.

21 THE WITNESS: My guess is he called me,
22 because I don't have an earlier email to this.

23 BY MR. MERINO:

24 Q Okay. But why is that he would call you
25 about a force print when your responsibilities are only

1 with price execution?

2 MR. TAYLOR: Objection. Form.

3 You can answer.

4 THE WITNESS: We can force print labels in
5 select instances, particularly -- and it happens
6 occasionally around resets to ensure the integrity
7 of the pricing as a planogram is resetting.

8 BY MR. MERINO:

9 Q When you say "we can force print," are you
10 the one actually printing the labels?

11 A No.

12 Q Or your team?

13 A No.

14 Q Who is the one that's printing the labels?

15 A That would happen at the store.

16 Q Can you describe to me what the -- the
17 perishables reset? What does that mean exactly?

18 A As we discussed earlier, around planogram
19 resets, perishables is just one of the departments that
20 would be going through a planogram reset.

21 Q When you receive a request for price changes,
22 are they ever categorized by a planogram?

23 A Not that I recall.

24 Q I guess, right -- and help me try to
25 understand, though. Right? I'm confused about why --

1 why you, on -- on price execution, right -- your team
2 pushes prices out. Why is it that you would be getting
3 involved in terms of force printing labels? Because
4 that wasn't any of the -- the job descriptions that you
5 provided to me earlier.

6 MR. TAYLOR: Objection. Form.

7 You can answer.

8 THE WITNESS: The team, upon request, can
9 generate an Excel file that will create a force
10 print. And so that's where the request would come
11 through.

12 BY MR. MERINO:

13 Q When you say "team," that's your team?

14 A That's --

15 Q Price execution team?

16 A That's my price execution team, yes.

17 Q Who -- who submits that request to the price
18 execution team?

19 A In this case, Will Miller did.

20 Q And who is Will Miller?

21 A Senior director of perishables.

22 Q So do you know if at this point the -- the
23 price changes were already in effect for the perishables
24 reset?

25 MR. TAYLOR: Objection. Form.

1 THE WITNESS: I -- I can't speak to when the
2 price changes actually went into effect.

3 BY MR. MERINO:

4 Q Do you see there where it says, "since the
5 reset occurred over a long period"? How long of a
6 period was that?

7 A Let me -- I -- let me see if it's in the
8 email. Yeah. I can't speak to the specifics. There is
9 a -- there is a note in there, in which I was not on,
10 that speaks to the completion.

11 Q So why would there be an association between
12 a reset occurring over a long period and the stores
13 having the correct pricing shown?

14 MR. TAYLOR: Objection. Form.

15 THE WITNESS: I believe I mentioned earlier
16 that if there is a potential for a gap in terms of
17 when a price change went into effect and when
18 labels -- when shelf strips were printed -- in this
19 case it was in the favor of the customer -- we
20 wanted to ensure that we had continuity in our
21 pricing to the best of our ability.

22 BY MR. MERINO:

23 Q What would end up being the alternative if
24 the force labels weren't printed?

25 MR. TAYLOR: Objection. Form.

1 THE WITNESS: I -- I can't speak to that.

2 BY MR. MERINO:

3 Q Okay. But then how is that forcing the
4 labels would ensure that the correct pricing is shown?

5 MR. TAYLOR: Objection. Form.

6 THE WITNESS: In the event -- as long as we
7 are printing the labels and the stores hang that
8 label, then it ensures that the prices -- the price
9 on shelf would match the price at the point of
10 sale.

11 BY MR. MERINO:

12 Q So when your team generates the Excel file
13 for the force prints, does that Excel file contain data
14 as to when the price went or is going into effect at the
15 store?

16 A No, it does not.

17 Q Are there instances where your team is asked
18 to force print labels for prices that have not gone into
19 effect yet?

20 A There's always a price on an item.

21 Q Are there instances where your team is asked
22 to generate a force print -- let me strike that
23 question.

24 Are there instances where your team is asked
25 to generate a force print where the price change has not

1 gone into effect yet?

2 A I guess, are you implying that we could
3 create a force print with a different price than is
4 actually in the system?

5 Q I'm just trying to figure out the timing of
6 the force print versus the price change hitting the POS.
7 Maybe more simply put is, in scenarios where your team
8 is asked to do force prints, has the price change
9 already hit the POS or is the force print done in
10 anticipation of a price change at the POS?

11 MR. TAYLOR: Objection. Form.

12 You can answer.

13 THE WITNESS: When we issue a force print,
14 the system is going to pull the current price at
15 that point in time that's at point of sale.

16 BY MR. MERINO:

17 Q In terms of a planogram reset, what are some
18 of the things that happen during a planogram reset at
19 the store?

20 A I -- I don't know. It's not my area.

21 Q Are shelf labels updated in conjunction with
22 the planogram reset?

23 A Again, I'd defer to somebody in the store's
24 operation side.

25 Q So you have no knowledge of whether planogram

1 resets are done in conjunction with price changes?

2 MR. TAYLOR: Objection. Form.

3 THE WITNESS: Again, I'm -- I'm not sure I
4 understand what you're -- I mean, there are price
5 changes that occur at any given time, whether
6 there's a planogram reset or whether it's related
7 to a planogram reset or not.

8 BY MR. MERINO:

9 Q I guess I'm confused. I'm still confused as
10 to why the length of a reset would be affected to price
11 accuracy. Because one of the blackouts that you
12 described to me before was if you receive a price change
13 request in anticipation of a planogram reset. Right?

14 And this is a little different, at least the
15 way that I read it. This is in the middle of a
16 planogram reset. So I'm still having trouble
17 understanding why the length of a planogram reset would
18 be af- -- be correlated with pricing accuracy.

19 MR. TAYLOR: Objection. Form.

20 You can answer.

21 THE WITNESS: In -- are you -- are you
22 speaking specifically to this email?

23 BY MR. MERINO:

24 Q Sure.

25 A Specifically to this email, it says that the

1 price changes occurred earlier in the year. And so what
2 we were doing is trying to ensure that those price
3 reductions that went into effect main- -- are maintained
4 in the event that shelf labels get accidentally or
5 purposely, whatever that may be, pulled off during a
6 planogram reset. Our intent is to maintain the price
7 integrity through that cycle.

8 Q So during -- during the course of a planogram
9 reset, it is, I guess, customary that pricing labels get
10 replaced for whatever products are in the reset; is that
11 -- is that an accurate statement?

12 MR. TAYLOR: Objection. Form.

13 THE WITNESS: There may be shelf strips put
14 in. I'm not sure that I would refer to them all as
15 labels.

16 BY MR. MERINO:

17 Q Okay. So is your concern here, with respect
18 to this email, that due to the length of time that this
19 planogram reset is taking, that by the time the shelf
20 strip is implemented, it's replacing a label that's
21 accurate with an inaccurate label? Is that the concern?

22 MR. TAYLOR: Objection. Form.

23 You can answer.

24 THE WITNESS: I would defer to Will. Again,
25 the request came from Will.

1 BY MR. MERINO:

2 Q Do you know if this was one of the resets
3 that were implemented through Driveline?

4 A It appears to be so, based on the email.

5 Q So in terms of an example of this potential
6 pricing discrepancy, would a fair example be that, let's
7 say, January 1st, Dollar General rolled out a new price
8 change in shelf label, which was put on the shelf, and
9 then -- or, actually, let me strike that question.

10 As an example of this, you know, reset
11 concern, would a fair example be that on January 1st,
12 Driveline is tasked with implementing a new reset, so,
13 you know, they're given -- they're given the labels,
14 they're given the prices of the products, that process
15 might take a few weeks; in the interim, there is another
16 price change which Dollar General itself implements, and
17 then the concern is that by the time Driveline gets
18 around to it, they would actually remove the updated
19 price label and put their own label in? Is that -- is
20 that an accurate kind of recitation of the sequence of
21 events that outlines the concern here?

22 MR. TAYLOR: Objection. Form.

23 THE WITNESS: I -- I think the way that I
24 would probably phrase it is, as the planograms are
25 getting touched, if there is a price change that

1 has occurred at some point in time along the way,
2 our -- our goal is to ensure that there is no gap
3 between what is on shelf and what is in the point
4 of sale. And so we'll go through duplic- --
5 duplicate efforts to ensure the integrity of that
6 consistency between shelf and POS.

7 BY MR. MERINO:

8 Q So there are instances, then, where by the
9 time -- because of the length of time of a Driveline
10 reset, that by the time the reset is complete, the price
11 has already been updated beyond the shelf label that
12 Driveline has been provided with; is that fair?

13 MR. TAYLOR: Objection.

14 THE WITNESS: No, I don't think that's fair.
15 Again, as the price -- as the labels go out --
16 again, you'll have to speak to the operators on the
17 process, but the intent is to get those prices out
18 and keep those prices on there. I don't conduct
19 audits, so I can't tell you that there is an
20 instance that that hasn't happened.

21 BY MR. MERINO:

22 Q Are there instances where you rolled out --
23 actually, I'll strike that question.

24 Okay. Scroll up to Bates-stamp 9493, just
25 one page above.

1 A Okay.

2 Q Do you see the email from Will Miller to you
3 and Philip Trentle June 20th at 11:33?

4 A I do.

5 Q What is it that Mr. Miller's referring to as
6 far as "the first date of our investment in pricing"?

7 MR. TAYLOR: Objection. Form.

8 THE WITNESS: I believe, in this case, he was
9 referring to reduction in our retails.

10 BY MR. MERINO:

11 Q When you say "reduction in retails," that's
12 the reduction of the price at the POS?

13 A Reduction in price at shelf and POS, yes.

14 Q So what is it that Mr. Miller is telling you
15 here? Right? He says, "Started on 5/15. This is the
16 reason for the force print." Why is the fact that it
17 started on 5/15 -- why would that be a reason for a
18 force print?

19 MR. TAYLOR: Objection. Form.

20 THE WITNESS: Again, Will wrote this. I
21 didn't ask him the specifics behind why he was
22 requesting this.

23 BY MR. MERINO:

24 Q So he sent you this email, but you don't --
25 you don't know why he sent you this email?

1 A He -- again, he's asked for the force print
2 in here, is what he's asked for. And then he's
3 explaining that, yes, the -- the reset started on 5/15,
4 the same as the first date of our investment for
5 pricing, which we started changing retails. This is the
6 reason for the force print. Beyond that, I didn't go
7 into further depth.

8 Q Okay. So he's telling you this is the reason
9 for the force print, but you don't understand what he's
10 talking about; is that your testimony?

11 MR. TAYLOR: Objection. Form. Objection.
12 Misstates testimony. Objection. Asked and
13 answered.

14 You can answer again.

15 THE WITNESS: Again, if you -- if I'm reading
16 his request, he's -- Will Miller has stated that
17 this is the reason that he's requested that.

18 BY MR. MERINO:

19 Q But you don't know why the correlation in the
20 start date of the reset would be related to the reason
21 for the force print?

22 MR. TAYLOR: Objection. Asked and answered.
23 Objection. Form.

24 You can answer again.

25 THE WITNESS: Again, what Will asked for was

1 a force print, and then the exchange is what we can
2 do to support him as the price execution team.

3 BY MR. MERINO:

4 Q Right. But that's not really answering my
5 question. Right? I understand that he asked for -- for
6 the force print. Right? I'm trying to get your
7 understanding -- why the fact that the reset started on
8 5/15 has anything to do with requesting a force print.

9 MR. TAYLOR: Objection. Form. Objection.

10 Asked and answered. I think he has answered it.

11 And you can answer it again.

12 THE WITNESS: Again, that's what Will Miller
13 has stated. Specifically, it reads, "This is the
14 reason for the force print." I can't speculate
15 beyond that.

16 BY MR. MERINO:

17 Q Do you see the email above from Mr. Trentle
18 to you?

19 A I do.

20 Q Okay. Do you see where it says, "The last
21 wave of force print for the reset was on 6/5"?

22 A I do.

23 Q Is it standard for force prints to occur in
24 waves for any particular reset?

25 MR. TAYLOR: Objection. Form.

1 You can answer.

2 THE WITNESS: It is -- it depends on, again,
3 what the requests are.

4 BY MR. MERINO:

5 Q Was this the only instance where you've
6 implemented force prints in waves?

7 A I -- I couldn't recollect whether this was
8 the only one or not.

9 Q Have you implemented any force prints in
10 waves within the last 30 days?

11 A Not to my knowledge.

12 Q Do you see your email above responding to
13 Mr. Trentle?

14 A I do.

15 Q Do you see the last line there, "We can
16 either look at items that don't seem to have responded
17 to lower retails"? Do you see that first part?

18 A Yes.

19 Q What is it you mean by that statement?

20 A I think it was an -- an attempt to try and
21 determine if we needed to look at select printing or if
22 we needed to print the entirety of the planogram.

23 Q Right. But what does it mean to -- for an
24 item to respond to a lower retail?

25 A In this case, it would have been, are we

1 seeing an uptick of sales on an item that we may have
2 lowered retails on.

3 Q And when you say, "if we go the full monte,"
4 would that be force printing the entire planogram?

5 A That's correct. And that's where we talk
6 about the efficiency of potentially getting with Scott
7 Miller and the store planning team, potentially being
8 more efficient for shelf strips.

9 Q So how does Scott Miller's team's shelf
10 strips print different from your force label print
11 requests?

12 A He would go through a third party, and we
13 would get the shelf strips versus individual labels.

14 Q Who is the third party that he goes through?

15 A I'm not entirely sure. I'm not sure.

16 Q Going back to that, you said -- that first
17 part of the statement, you know, "we can either look at
18 items that don't seem to have responded to lower
19 retails, your explanation was seeing whether there was
20 an uptick in sales in response to a decreased price,
21 right?

22 A That's -- yes. We were looking at evaluating
23 sales velocity of -- of some of the items that we've
24 moved on retail.

25 Q Why would that be correlated or why would

1 that affect the decision of whether to print specific
2 labels or the whole planogram?

3 MR. TAYLOR: Objection. Form.

4 THE WITNESS: Our intent is to always
5 maintain price integrity and -- but we know that
6 perfection is not attainable. So this could be a
7 signal that something happened in a store where the
8 prices did not get hung for whatever reason.

9 BY MR. MERINO:

10 Q So is the anticipation that if the retail is
11 lowered, that the sales of the item would increase?

12 MR. TAYLOR: Objection. Form.

13 You can answer.

14 THE WITNESS: We're always looking at the
15 individual sales of an item. And, generally
16 speaking, that would be our belief. But that does
17 not necessarily imply that that's actually what
18 would happen. And there is -- again, that's where
19 Nick's team is more suited to be able to address
20 that kind of question.

21 BY MR. MERINO:

22 Q So it's -- to you, it's just a potential
23 indicator of -- of whether the product has the updated
24 shelf label; is that a fair statement?

25 MR. TAYLOR: Objection. Form.

1 THE WITNESS: My assumption is, is that all
2 -- all the items have the correct shelf labels on
3 them. Again, as we work for backstops, we
4 scrutinize every way possible to ensure the
5 integrity.

6 BY MR. MERINO:

7 Q Okay. That doesn't quite answer my question,
8 though. Specifically, is it fair to say that you look
9 into whether an item responded to retail, is that just a
10 potential -- to you, is that a potential indicator of
11 whether the shelf label accurately reflects the price or
12 whether the shelf label has --

13 (Parties simultaneously speaking.)

14 A No.

15 MR. TAYLOR: Wait till he finishes.

16 THE WITNESS: I'm sorry.

17 MR. TAYLOR: Go ahead and finish the
18 question, Javier.

19 MR. MERINO: No. That's it. My question is
20 done.

21 MR. TAYLOR: Okay. Objection. Form.
22 You can answer.

23 THE WITNESS: I would not say that they're
24 correlative.

25 BY MR. MERINO:

1 Q So according to Philip's email, by going back
2 down below, there was already a force print wave on
3 June 5th, right?

4 A Based on what he's written, yes. It was
5 written -- it was sent on June 5th.

6 Q Why is it that there would need to be another
7 force print for the same planogram reset?

8 MR. TAYLOR: Objection. Form.
9 You can answer.

10 THE WITNESS: I -- I -- I don't -- for this
11 particular instance, I -- I have no idea what --
12 what went into this. Again, there is nothing
13 between -- there is nothing in there that indicates
14 why.

15 BY MR. MERINO:

16 Q What is Scott Miller's position within Dollar
17 General?

18 A I don't know his exact title.

19 Q Do you know what team he works within?

20 A Space planning.

21 Q Is it accurate to say that any time your team
22 is asked to generate a force print of labels, that the
23 price at the POS already reflects the labels that are
24 being force printed?

25 MR. TAYLOR: Objection.

1 THE WITNESS: When we generate a force print
2 file, the system will pull the current price in the
3 -- in the system for that store/SKU combination
4 that is force printed. And that would tie to the
5 point of sale.

6 MR. MERINO: I'm introducing what's been
7 premarked as Exhibit 5. I just dropped it in the
8 Share folder.

9 (Exhibit 5 was marked for identification.)

10 MR. TAYLOR: Exhibit 4 or 5?

11 MR. MERINO: 5.

12 MR. TAYLOR: Okay. Are we skipping -- is
13 there a 4 or no?

14 MR. MERINO: We didn't do 4. We didn't do a
15 4.

16 MR. TAYLOR: Okay. Cool.

17 THE WITNESS: I have it open.

18 BY MR. MERINO:

19 Q Do you see the email from Mia to you on
20 Bates-stamp 10716, "Hi Brian and Will, is Nick looking
21 for more to land on Friday"?

22 A Yes.

23 Q What is it that Mia is referring to here?

24 MR. TAYLOR: Objection. Form.

25 THE WITNESS: I believe it's in reference to

1 the prior email asking are there additional price
2 changes expected.

3 BY MR. MERINO:

4 Q What does she mean, "to land on Friday"?

5 MR. TAYLOR: Objection. Form.

6 THE WITNESS: My -- again, I can't speak
7 specifically, but my assumption would be those
8 price changes would be effective on Friday.

9 BY MR. MERINO:

10 Q So does Nick head the team that sends the
11 price change requests to your team?

12 A Yes. Nick leads price strategy.

13 Q Do you see below, Caleb's email, same
14 Bates-stamp, 12:14 p.m.?

15 A I do.

16 Q Okay. Do you see where it says, "Chain," and
17 then below there it has some SKUs and some indicators?

18 A I see that, yes.

19 Q Is this an indication of the number of
20 products which are being changed -- let me rephrase the
21 question.

22 Is this an indicator of the number of
23 products which are being price changed chain-wide as
24 part of this Super Tuesday?

25 MR. TAYLOR: Objection. Form.

1 You can answer.

2 THE WITNESS: This would indicate that there
3 are 276 items that would have a retail change on a
4 store/SKU basis for at least 18,000 locations.

5 BY MR. MERINO:

6 Q And when it says "chain," is that for the
7 entire Dollar General chain?

8 A That refers to a threshold of 18,000 stores.

9 Q Do you know how many total Dollar General
10 stores there are?

11 A At the time of this email?

12 Q Sure.

13 A I have no idea.

14 Q Do you know why that's the threshold that was
15 chosen, 18,000?

16 A Because it was disproportionately that the --
17 the bulk of the store count for the -- for the network
18 at that time. But, again, not all 276 are in all
19 stores, and that's what the second line in that speaks
20 to. This gets back to our zone structure, and that
21 there are varying prices for these items across the
22 network.

23 Q What's SPA?

24 A That's space planning.

25 Q And that's the team that Nick heads?

1 MR. TAYLOR: Objection. Form.

2 THE WITNESS: Nick heads the price strategy
3 team.

4 THE VIDEOGRAPHER: I think we lost
5 Mr. Merino. Should we go off the -- should we go
6 off the record?

7 MR. TAYLOR: Yes.

8 THE VIDEOGRAPHER: Oh, wait. He's --

9 MR. MERINO: Sorry about that? My internet
10 briefly went out. But I'm actually -- I -- I think
11 I'm ready for a bathroom break if that's fine with
12 you guys. Maybe we can take five and come back at
13 3:15?

14 MR. TAYLOR: Yeah, that sounds good.

15 MR. MERINO: Okay. See you in a few.

16 THE VIDEOGRAPHER: This is the end of Media
17 Unit Number 2. We are off the record at 2:08 p.m.

18 (Recess taken.)

19 THE VIDEOGRAPHER: This is the beginning of
20 Media Unit Number 3. We are on the record at
21 2:20 p.m.

22 BY MR. MERINO:

23 Q Mr. Haug, I want to get back to where we were
24 before, Exhibit 5, the same Bates-stamp 10716. Do you
25 still have that open?

1 A I do, yes.

2 Q So under the chain category, do you see where
3 it says 401?

4 A I do.

5 Q What does that number represent?

6 A Caleb or Mia would have to confirm. I
7 believe that's in reference to the 276 plus the 124 --
8 or 125.

9 Q You mean -- okay. What about 13 pages? What
10 does that reference?

11 A I'm assuming that means 13 pages of labels.

12 Q Do you see right below where he mentions blue
13 zone?

14 A I do.

15 Q The 1,052, do you see that?

16 A I do.

17 Q Are these prices that are taking effect
18 within the blue zone?

19 MR. TAYLOR: Objection. Form.

20 You can answer.

21 THE WITNESS: Again, right now, from what I
22 can read, 927 SKUs plus -- I'm not sure what the --
23 what the SPA number is, but that would suggest
24 that, yes, 1,052 price changes or 35 pages of
25 labels for the blue zone.

1 BY MR. MERINO:

2 Q So all of these price changes, they flow
3 through you and your team, right, before hitting IT and
4 before hitting the POS?

5 MR. TAYLOR: Objection. Form.

6 You can answer.

7 THE WITNESS: My team receives requests to
8 change the retails on the items. We execute those
9 changes for an effective date, and then I guess it
10 flows out from there.

11 BY MR. MERINO:

12 Q Do you see that note, 81 SKUs force printing?

13 A Yes, I see that.

14 Q Are all 81 SKUs force printed through you and
15 your team?

16 A We would have received the request for --
17 from Mike -- Mike, Haley, and Brandon, which are the two
18 bullet points above. And then we would have generated
19 the file that would have created the force print.

20 Q Is there anybody else at Dollar General that
21 also generates files for force prints?

22 MR. TAYLOR: Objection. Form.

23 You can answer.

24 THE WITNESS: There are system-generated
25 force prints as well.

1 BY MR. MERINO:

2 Q In what instance is a force print system
3 generated?

4 A I'd defer to IT, but there is more
5 information on a price label than just retail. And so
6 if any information on that label needs to be updated,
7 the system will automatically generate the label, just
8 as it does when there is change on the retail. But I'm
9 sure there are other reasons that generate -- that --
10 that force prints can be generated.

11 Q What's -- what's a price change for MAG?
12 What does that mean?

13 MR. TAYLOR: Objection. Form.
14 You can answer.

15 THE WITNESS: It's -- it's a price change for
16 monthly activity set, so I'm not -- I don't know
17 specifically what it was in reference to.

18 BY MR. MERINO:

19 Q What's a -- a cut-in? You can see it in the
20 line below.

21 A If we are within -- the normal planogram
22 window is a year long. If we're somewhere within that
23 window and there is a decision to add or remove an item,
24 then cut-in is the process to put a new item into the
25 planogram reset -- or into the planogram set.

1 Q Is that -- is one -- let me strike that
2 question.

3 Are planograms typically reset on an annual
4 basis?

5 MR. TAYLOR: Objection. Form.

6 THE WITNESS: Yeah. Plan- -- planograms are
7 -- planograms run for a year, but they run on --
8 not all planogram set on the same time frame or in
9 the same -- we don't set all of our planograms on
10 February 1st, as an example.

11 BY MR. MERINO:

12 Q But if a planogram is set for February 1st,
13 then that planogram would run until the following year,
14 until -- until February 1st or January --

15 A Not nec- -- not necessarily.

16 Q Okay. What would cause it to not run for a
17 year?

18 A I -- I can't answer that question. I'm not
19 -- I'm not involved in the planogram process.

20 Q For the 81 SKUs which were force printed, as
21 referenced in that email, as of that Monday -- I'll
22 strike that question.

23 MR. MERINO: I dropped in what's been
24 premarked as Exhibit 6.

25 (Exhibit 6 was marked for identification.)

1 THE WITNESS: I have it up.

2 BY MR. MERINO:

3 Q Okay. Does this appear to be the same email
4 chain that we discussed in Exhibit 5?

5 MR. TAYLOR: Objection. Form.

6 THE WITNESS: I'd have to pull them up side
7 by side, but it looks like it's in reference to the
8 same things.

9 BY MR. MERINO:

10 Q Do you see Philip's email October 24th on
11 Bates-stamp 10718?

12 A I do.

13 Q He says -- see where he says, "the force
14 print was already dropped in the folder around
15 12:00 p.m."?

16 A Yes, I see that.

17 Q Is he talking about you and/or your team
18 dropping the force print into the folder?

19 MR. TAYLOR: Objection. Form.

20 You can answer.

21 THE WITNESS: He's speaking about the Excel
22 file that gets loaded into the systems folder that
23 is where the system then retrieves the direct- --
24 the direction to create the force print.

25 BY MR. MERINO:

1 Q The force print file, does it have -- does
2 the force print Excel sheet contain the date that the
3 price change went into effect, or that at least the
4 current price went into effect?

5 MR. TAYLOR: Objection. Form.

6 THE WITNESS: I -- I -- I'd have to confirm,
7 but I don't believe there's anything related to
8 price in that file at all.

9 Just as a reminder, the price lives at the
10 point of sale, store/SKU combination.

11 BY MR. MERINO:

12 Q Who is Sobhan Kakumani?

13 A I believe he works in IT.

14 Q (Indiscernible.)

15 A I'm sorry. That wasn't clear.

16 Q Do you know what he does within IT?

17 A I do not know what his responsibilities are,
18 no.

19 MR. MERINO: I'm pulling up what's been
20 premarked as Exhibit 7.

21 (Exhibit 7 was marked for identification.)

22 THE WITNESS: I have it up.

23 BY MR. MERINO:

24 Q Do you see Philip Trentle's email to you and
25 several others dated February 17, Bates-stamp 16724?

1 A I do.

2 Q Can you describe to me what a blackout
3 summary file is?

4 A It's a list of the SKUs that we've received
5 or a request for a retail change on that are flagged
6 somewhere between those four tabs of either being
7 prepriced with -- somewhere within a planogram reset
8 window, part of a MAG, or ad activity.

9 Q When he says "Week 03.23," what does that
10 mean?

11 A Fiscal week -- well, I'd have to -- it looks
12 like fiscal week three of the -- of fiscal year 2023.

13 Q What does he mean by "compiled with all the
14 SKUs that we held from 2/14 and 2/21"?

15 MR. TAYLOR: Objection. Form.

16 THE WITNESS: I'd have to ask him to confirm,
17 but it may be in reference to SKUs that we chose
18 not to take a retail adjustment on. And those are
19 included in his assessment.

20 BY MR. MERINO:

21 Q What does it mean to -- do you see the next
22 sentence, "We will be watching and running the blackout
23 summary later this weekend"? What does it mean to run a
24 blackout summary?

25 A They -- the team would research any new items

1 that were added so that they can be assessed by the
2 other -- by the price strategy team for inclusion or
3 exclusion of the blackout.

4 Q Do you see the second paragraph there -- do
5 you see that line, "On the ad activity"? Do you see
6 that line there?

7 A Yes, I see it.

8 Q What does it -- what is Mr. Trentle saying
9 here, if you could explain in laymen's terms, "We have
10 to remember that the ad signs will have the retail that
11 were in the system about three weeks prior to the ad"?

12 MR. TAYLOR: Objection. Form.

13 You can answer.

14 THE WITNESS: Because our ad signs are
15 printed in advance of the go live date for the ad
16 itself, what he's calling out is that there is a
17 three-week lag, and so be aware of that just as we
18 make determinations around the blackout.

19 BY MR. MERINO:

20 Q You said that term was "gold live"?

21 A Go live. In other words, the day the ad
22 becomes effective.

23 Q So you see the next -- the next sentence
24 there, "If we change within the blackout of the ad, we
25 could have label issues at stores"? What change is he

1 referencing there?

2 MR. TAYLOR: Objection. Form.

3 You can answer.

4 THE WITNESS: If the decision by the folks
5 that this email has been sent to is to change -- to
6 proceed with the retail request change, can -- then
7 it could create an issue at stores if they don't
8 adjust their labels -- the ad labels, specifically.

9 BY MR. MERINO:

10 Q So the files that have been identified in the
11 blackout summary in the ad category, are these products
12 for which a price change was requested while an ad was
13 being implemented?

14 MR. TAYLOR: Objection. Form.

15 You can answer.

16 THE WITNESS: That -- that's what that fourth
17 -- I guess the fourth tab is at the beginning of
18 the paragraph that he would be referencing.

19 BY MR. MERINO:

20 Q Do you know if the Driveline implements the
21 ad signs?

22 A I'm -- I'm not aware of -- of what
23 Driveline's activities are or aren't beyond what we've
24 kind of talked about as far as the planograms.

25 Q So is -- is -- with respect to the ads, is

1 the concern that the price change would be implemented,
2 which, in conjunction, a new label would be generated,
3 but then the ad would be -- or the ad would finish
4 setting up, and through that, it would remove the label
5 that was just generated in conjunction with the price
6 change?

7 MR. TAYLOR: Objection. Form.

8 THE WITNESS: No, that's not the case.

9 BY MR. MERINO:

10 Q So what does -- what does he mean that "we
11 could have label issues at stores" with respect to the
12 ad?

13 MR. TAYLOR: Objection form.

14 You can answer.

15 THE WITNESS: If we change the retail and the
16 shelf strip changes and the store leaves the ad
17 label up, the ad label may be off. The ad price
18 would still be effective, but there may be other
19 components within the ad label that are in
20 conflict.

21 BY MR. MERINO:

22 Q Okay. So -- so then the concern here is that
23 there is an ad that's up, the ad is supposed to last X
24 amount of time, and before that time runs, the price
25 change is updated, and then the concern is that the

1 updated price change would not correlate with the ad; is
2 that -- is that a better statement?

3 MR. TAYLOR: Objection. Form.

4 THE WITNESS: What Philip's doing is calling
5 out that a request has been made to change the
6 retail on these items and that they conflict with
7 either a preprice, a planogram reset, a MAG, or an
8 ad. And he's letting the team that's responsible,
9 that submitted those price changes, know that those
10 conflicts exist.

11 BY MR. MERINO:

12 Q What team is he notifying? What team is
13 that?

14 A He is notifying Haley, Michael, and Brandon,
15 who are a part of Nick Snow's team.

16 Q And that's price strategy, right?

17 A Price strategy reports to Nick. Yes.

18 Q So would price strategy then respond and
19 ultimately make the decision of whether to implement the
20 change to blackout (indiscernible)?

21 THE REPORTER: I'm sorry. You broke up,
22 Mr. Merino.

23 BY MR. MERINO:

24 Q Would -- once this email is sent, right -- so
25 we have Mr. Trentle outlining this blackout summary,

1 providing it to the price strategy team. Is the price
2 strategy team then going to respond and ultimately make
3 the decision of whether to push those prices through?

4 MR. TAYLOR: Objection. Form.

5 You can answer.

6 THE WITNESS: That's correct. That's what
7 his closing -- Philip's closing statements are in
8 reference to.

9 BY MR. MERINO:

10 Q So -- so the blackout summary itself, in what
11 format is that generated?

12 A In Excel form.

13 Q So once the blackout summary is provided to
14 the price strategy and price strategy gives their
15 instruction, is there a notation made somewhere as to
16 the fact that a product in the blackout summary was
17 still pushed through with a price change?

18 MR. TAYLOR: Objection. Form.

19 THE WITNESS: There is no notation made in --
20 in the file, that I'm aware of.

21 BY MR. MERINO:

22 Q Okay. So if I were to -- or if somebody
23 asked you, you know, can you -- Mr. Haug, can you, you
24 know, pull up a list of the instances where a price
25 change was pushed through for a product on the blackout

1 file, you know, for the past six months, is that
2 something -- is that information you'd be able to
3 collect?

4 MR. TAYLOR: Objection. Form.

5 THE WITNESS: I'd have to research that.

6 BY MR. MERINO:

7 Q How often do you prepare blackout summaries?

8 MR. TAYLOR: Objection. Form.

9 THE WITNESS: We repair -- we -- we prepare
10 them whenever we receive price change requests. If
11 there are no items that qualify, then a blackout
12 summary wouldn't be produced.

13 BY MR. MERINO:

14 Q And is the same process followed every time
15 with each blackout summary that's prepared, in that your
16 team prepares it and then you send it to pricing
17 strategy for their, you know, review, comment and
18 decision-making?

19 MR. TAYLOR: Objection. Form.

20 THE WITNESS: To the best of my recollection,
21 yes.

22 BY MR. MERINO:

23 Q So when Haley responds -- you see the email
24 above -- sorry, I should be a little clearer. Back to
25 Exhibit 7, Bates-stamp 16724, you see Haley's response

1 up top?

2 A I do.

3 Q Okay. So when she says, "Please proceed with
4 my ad items," is -- is she indicating that the ad items
5 that are notated on the blackout summary are still to be
6 pushed through? Let me rephrase that question.

7 When Haley says, "Please proceed with my ad
8 items," is she saying that items in an ad bucket -- the
9 ad category are still to be pushed through with respect
10 to the price change?

11 MR. TAYLOR: Objection. Form.

12 THE WITNESS: She is saying that the items
13 that she has in conflict on the ad tab can proceed
14 with the price change at -- at whatever associated
15 effective date they had.

16 BY MR. MERINO:

17 Q You see there the next line, "We have added
18 the New Chain/Blue Retail columns on the MAG tab"? I'm
19 sorry. Going back down to Philip Trentle's email right
20 below in the third paragraph.

21 A Yes, I see that.

22 Q Blue, does that refer to blue zone?

23 A Yes.

24 Q Do you know why the blue zone is singled out
25 as opposed to other zones?

1 MR. TAYLOR: Objection. I didn't -- Javier,
2 you're breaking up a little bit. Could you repeat
3 that question?

4 MR. MERINO: Oh, sure. Am I coming in
5 clearer now?

6 MR. TAYLOR: Yes.

7 BY MR. MERINO:

8 Q Do you know why the blue zone was singled out
9 -- or is being singled out on this summary as opposed to
10 other zones?

11 A The blue zone typically has a different
12 retail structure in general, and so for distinction
13 purposes, that allows us to gain different levels of
14 visibility.

15 Q Can you elaborate more by what you mean by
16 different retail structure?

17 A In the case of blue zone, it is further away
18 from competition, which is one of the key structures of
19 that, and retails are adjusted based on competitive
20 landscapes.

21 Q When you say "competition," would those be --
22 could that involve other stores in the geographical
23 vicinity of a Dollar General store?

24 MR. TAYLOR: Objection. Form.

25 THE WITNESS: Can you be more specific on

1 what you mean by "other retail stores"?

2 BY MR. MERINO:

3 Q Other Dollar Stores, such as Family Dollar or
4 Dollar Tree.

5 A Yes. That would play a factor. That would
6 be a factor in the decision.

7 Q What's DGX? You can see it in the second
8 sentence in the third paragraph. What does that mean?

9 A A store format.

10 Q Is that a new store format that Dollar
11 General rolled out?

12 A I don't know that I would say that it's a new
13 store format that we rolled out. I don't recall when
14 the format was rolled out.

15 Q What's different about that store format, the
16 DGX store format, versus other store formats?

17 A I would have to defer to the store planning
18 team to tell you the specifics about what distinguishes
19 that.

20 Q You see the next line, "Disco SKU," the
21 fourth paragraph?

22 A I do.

23 Q What does Disco stand for?

24 A Discontinued items.

25 MR. TAYLOR: Well, in some context. Also a

1 form of music.

2 MR. MERINO: Objection.

3 BY MR. MERINO:

4 Q Okay. I'd like to scroll a page up, 16723,
5 an email from you dated February 17. Do you see that?

6 A I do.

7 Q Okay. Who are Chad and Angela, as referenced
8 in the email?

9 A Chad is our chief marketing officer, and
10 Angela is, I believe, the vice president in the
11 marketing department.

12 Q Do you regularly have meetings with them?

13 A Not regularly, no.

14 Q How often do you meet with them?

15 A Rarely, actually.

16 Q What prompted your meeting with them as
17 referenced in this email?

18 A I believe they were asking about the shelf
19 talkers and about the blackout process.

20 Q What's a shelf talker?

21 A It's the ad sign that would hang off the
22 shelf.

23 Q And when you say "ad sign," are we referring
24 to the same ad as we talked about before in the blackout
25 summary?

1 A Yes. It would be a promotional price label.

2 Q What is it that you -- that you are referring
3 to here, you know, when you say "why they could have
4 issues with shelf tags/talkers"?

5 A The items that Haley had on there that
6 conflicted in the blackout as it related to the ad, she
7 approved to move forward. And so what I was asking her
8 is the reason behind that, in which she's explaining is
9 the items themselves are actually not sellable items, so
10 it has no impact on the consumer.

11 Q What does it mean for an item not to be
12 sellable?

13 A It means that we don't sell an item -- the
14 item is not sellable. I'm not sure how much more clear
15 that I can be with that.

16 Q But the product is listed for sale at the
17 store, right?

18 A No.

19 MR. TAYLOR: Object to form.

20 You can answer.

21 THE WITNESS: There is a SKU associated, but
22 the item itself in this case is not for sale.

23 BY MR. MERINO:

24 Q I'm -- I'm sorry. I'm having trouble
25 wrapping my -- my head around that. Can you repeat that

1 statement again? I'm going to try to -- try to think it
2 through.

3 I guess I'm having trouble kind of wrapping
4 my head around an item being approved for an ad that's
5 not sellable at a -- at a store.

6 A The item is getting captured as part of the
7 ad check process, but as it turns out, in this instance,
8 it is not actually a sellable item.

9 Q You see that next line, the VT team checks?

10 A I do.

11 Q What is that referencing?

12 A I'm not sure what it's actually referencing.
13 I'm assuming it's -- it says, "They appeared in the
14 Vermont team checks this week." I don't know what the
15 Vermont team checks are.

16 Q So she's telling you, "To meet compliance, we
17 need to get these updated ASAP." Do you see that?

18 A I do.

19 Q Okay. So how would pushing through her price
20 requests assist in meeting compliance?

21 MR. TAYLOR: Objection. Form.

22 THE WITNESS: I'm -- again, I'm not familiar
23 with that process.

24 BY MR. MERINO:

25 Q Okay. So you don't really understand what

1 she's explaining to you as far as her request to push
2 the price through and -- and the explanation to meet
3 compliance?

4 MR. TAYLOR: Objection. Form.

5 THE WITNESS: Correct. I read it as these
6 are not sellable items and that the sellable SKUs
7 that are associated have already moved on price
8 and, therefore, are compliant.

9 BY MR. MERINO:

10 Q Say that again. The sellable SKUs which are
11 associated have what?

12 A I'm simply reading the email. "All the
13 sellable SKUs that are associated with the below MS SKUs
14 have already moved to the new retail."

15 MR. MERINO: I'm bringing up what's been
16 premarked as Exhibit 8.

17 (Exhibit 8 was marked for identification.)

18 BY MR. MERINO:

19 Q Mr. Haug, let me know once you've opened it.

20 A I have it open.

21 Q Do you see this price execution process
22 review that starts on Bates-stamp 17805?

23 A I do.

24 Q Did you prepare this document?

25 A I did not.

1 Q Who prepared this document?

2 A I believe, Nick Snow.

3 Q So you are asking Nick Snow and others to
4 review a document that Nick Snow prepared?

5 A Yes. This is a process document, and I was
6 soliciting feedback to make sure that nothing had
7 changed in what our processes are.

8 Q Do you know if anybody responded to this
9 email?

10 A Not that I recall.

11 Q Do you see starting with 17806, page 3 of the
12 PDF?

13 A Yes.

14 Q What does this mean, "All DG chain SKUs
15 submitted run through the blackout summary file"?

16 A This is in reference to the email we just got
17 done discussing.

18 Q Okay. Under prepriced, you see "based on
19 flag in 1010." What's 1010?

20 A 1010 data is our data warehouse.

21 Q (Indiscernible) in 1010?

22 A I'm sorry. Can you repeat?

23 Q What data is maintained in 1010?

24 A I don't have a comprehensive list.

25 Q What flag is being referenced here?

1 A If the item is flagged in the item master as
2 prepriced.

3 Q At the end of the line in parenthesis, no --
4 do you see where it says "no change"?

5 A I do.

6 Q Okay. What does that mean, "no change"?

7 MR. TAYLOR: Objection. Form.

8 THE WITNESS: I can't speak -- I -- I can't
9 speak to that.

10 BY MR. MERINO:

11 Q Okay. Do you see the next line there, "POG
12 resets"?

13 A I do.

14 Q "If a change is submitted after the reset
15 submission but before reset," do you see that line?

16 A I do.

17 Q Can you describe to me what's trying to be
18 explained in this line here?

19 MR. TAYLOR: Objection. Form.

20 THE WITNESS: If a request to change the
21 retail has been submitted within this window of
22 time that's called out, the price strategy team
23 will notify the buyers -- the impacted buyers that
24 they will not be able to make a price change until
25 either a week after the reset or up to four weeks

1 later if it is a Driveline set.

2 BY MR. MERINO:

3 Q Is this the -- the standard policy that has
4 been in place for Dollar General?

5 MR. TAYLOR: Objection. Form.

6 THE WITNESS: This is the policy that we've
7 been following for as -- at least for the time that
8 I've had the team.

9 BY MR. MERINO:

10 Q So if a price change is implemented, after
11 the reset but before -- or after the reset submission
12 but before the reset, does that create a scenario for a
13 potential price discrepancy?

14 MR. TAYLOR: Objection. Form.

15 THE WITNESS: If that occurs, then we will
16 generate the blackout file and then you can -- and
17 then, as you can see on this policy, we would avoid
18 making any changes until whatever time is
19 appropriate.

20 BY MR. MERINO:

21 Q Right. But is -- is the concern that if the
22 price change is implemented in this lag period, that
23 there would be a price discrepancy between the label and
24 what's at the POS?

25 MR. TAYLOR: Objection. Form.

1 THE WITNESS: There'd be no concern because,
2 again, the policy would preclude that from being
3 anywhere near an issue.

4 BY MR. MERINO:

5 Q When this says "chain initiated reset" -- do
6 you see that there under POG resets?

7 A I do.

8 Q Is that -- does that mean -- strike that
9 question.

10 What does that mean, chain initiated reset?

11 A Store labor would do -- would be responsible
12 for resetting the planogram.

13 Q Do you ever have any communication with
14 Driveline?

15 A I do not.

16 Q Does anybody on your team have any
17 communication with Driveline?

18 A Not generally speaking, no.

19 Q Why is there a distinction here between the
20 week and (indiscernible) in the four-weeks for the
21 Driveline set?

22 MR. TAYLOR: Objection. Form.

23 THE WITNESS: The -- if we're using store
24 labor to change out a planogram, they have one week
25 to execute that change out, whereas Driveline, we

1 provide an extended time frame. And even though
2 they're supposed to get it done within a one-week
3 window, it could take -- it could take longer. And
4 so we provide an extra buffer to ensure that we
5 don't run into any issues where the shelf price
6 would not match point of sale.

7 BY MR. MERINO:

8 Q Okay. Do you see the next line there, "MAG
9 activity"?

10 A I do.

11 Q Okay. Can you describe what this -- this
12 "notify buying team," what's happening here?

13 A Simply that, once again, if an item has
14 conflict as it relates to the monthly activity guide,
15 then we would notify the buying team that we will have
16 to postpone -- we will have to postpone the active --
17 the go live date on the retail change until it qualifies
18 here.

19 Q Now, each of these are still subject to the
20 price strategy instructing you to push through the price
21 anyways, right?

22 MR. TAYLOR: Objection. Form.

23 THE WITNESS: We'll notify the price strategy
24 team, and if we're told that we need to execute,
25 then we will proceed with executing the price

1 change as directed.

2 BY MR. MERINO:

3 Q Okay. The next line, "Ad activity," do you
4 see that first line there? Excuse me.

5 A The next slide? I'm sorry.

6 Q I'm sorry. The next line, ad activity?

7 A Yes.

8 Q The first line there.

9 A Yes.

10 Q Can you describe what that line means?

11 MR. TAYLOR: Objection. Form.

12 THE WITNESS: Just as it says, if the regular
13 price is printed within the advertisement, we will
14 wait to change the retail until one week post the
15 ad.

16 BY MR. MERINO:

17 Q So it says "until a week after the ad." Is
18 that after the ad is complete?

19 A In this case, this would be until after the
20 ad ends, yes.

21 Q The third line down, "1 blocks," what does
22 that mean?

23 MR. TAYLOR: Objection. Form.

24 THE WITNESS: It looks like it's in relation
25 to an -- an ad block, which is just a -- an image

1 within the advertisement itself.

2 BY MR. MERINO:

3 Q What's -- do you see the next line there,
4 "switch n save"? What's switch n save?

5 A Switch n save would be something where if you
6 go with a Dollar General brand, you can save more money
7 than going with a branded product.

8 Q Okay. And the last category, cut-in, is this
9 what you described before, a -- a change in price during
10 a POG reset or -- or while a MAG set is in effect?

11 A No. A cut-in would be swapping out a core
12 replenished product in -- in the middle of that one-year
13 planogram window.

14 Q Okay. So when this says, "The change will
15 move to the week after the cut-in," what exactly is the
16 cut-in? Is that the implementation of the price label?

17 A The cut-in would be the implementation of the
18 new product. Similar to a planogram reset.

19 Q Okay. I'd like to go to the next page,
20 17807.

21 A Okay.

22 Q Okay. Do you see there, "Nothing systemic to
23 flag qualification as a blackout item -- this is a
24 purely manual process"? Can you describe what that
25 means?

1 A It means that as the items are submitted, the
2 price execution team is responsible for the research on
3 whether those items are flagged for -- for the bullets
4 that we just got done talking through.

5 Q So what -- what's the manual process that you
6 undertake, then, to identify an item as a -- as a
7 blackout item?

8 A We have to go through advertising, all the
9 1010 data on the item master to see if it's a prepriced
10 item, look up if the items are on an upcoming planogram
11 reset, et cetera.

12 Q Okay. That next line there, "Linked items
13 can create invisible gaps," can you describe what that
14 means?

15 MR. TAYLOR: Objection. Form.

16 THE WITNESS: In the event that two SKUs are
17 linked, we have visibility to -- we largely have
18 visibility to what we call the primary SKU, which
19 is the SKU that -- where inventory is held.

20 BY MR. MERINO:

21 Q Okay. And so you said you have visibility to
22 the primary (indiscernible) to the primary SKU as
23 opposed to the secondary SKU?

24 THE REPORTER: I'm sorry. You broke up
25 again.

1 BY MR. MERINO:

2 Q So you're saying you have visibility to the
3 primary SKU as opposed to the second SKU of the -- of
4 the two linked products?

5 A Primary SKUs are what are submitted for the
6 price change. So if there is an issue with the
7 secondary SKU, that's what this is in reference to.

8 Q So let's say that there are two linked items,
9 and we'll call them the primary item and the secondary
10 item. So what this is saying is that what you see and
11 are able to look into is the primary item as opposed to
12 the secondary item; is that -- is that accurate?

13 MR. TAYLOR: Objection. Form.

14 THE WITNESS: What I'm saying is, is it
15 requires extra diligence. Again, this is a -- it's
16 a risk. It's not an absolute. So as an example,
17 in a prepriced fashion item, it may be a 14-ounce
18 bottle of shampoo linked to a 12-ounce bottle of
19 shampoo. It requires due diligence on our -- my
20 team's part to ensure that we capture any potential
21 conflict.

22 BY MR. MERINO:

23 Q And what does that due diligence entail to
24 catch these invisible gaps?

25 A Again, the entirety of this is a manual

1 process, so it's pulling the reports that I just
2 described.

3 Q Right. But more specifically, right, what
4 other processes do you have in place to catch these
5 invisible gaps?

6 MR. TAYLOR: Objection. Form.

7 You can answer.

8 THE WITNESS: As I stated, we will go to the
9 1010 data table, we will review the ads that are
10 currently in process, or potentially overlap with
11 the timing that they want to make the price change,
12 we will look for the planogram resets, and so
13 forth.

14 BY MR. MERINO:

15 Q Do you see the third line there, "Zone
16 pricing adds additional layers of complexity"?

17 A Yes.

18 Q Okay. How is it that the zone pricing adds
19 additional layers of complexity?

20 A Because the pricing lives at a store SKU
21 level, the price change that is submitted may not
22 necessarily recognize a zone correctly.

23 Q The fifth line there, "All price changes run
24 through the same system and the volume is capped to
25 ensure timely PLU delivery," can you explain what that

1 means?

2 A It means that all price changes that we make
3 are subject to volume limits that could impact our
4 ability to deliver the price when we expect to. And so
5 we manage the volume of price changes that we push
6 through at any given time to ensure that doesn't happen.

7 Q All right. I'd like to skip to 17808. Do
8 you see where it says, "Pricing process update, POG
9 resets"?

10 A I do.

11 Q Do you see under the challenge, "Price
12 inaccuracy guaranteed, though generally in favor of
13 consumer" -- "customer"? Do you see that?

14 A I do.

15 Q Okay. Why is the price inaccuracy guaranteed
16 under this current process?

17 A If you read the first bullet in that column,
18 in the week of the reset, price decreases would be
19 effective on Monday, the stores would have five days to
20 reset the planogram, and then price increases would be
21 on Friday. That's what that's in reference to.

22 Q But I guess I still don't understand why that
23 would guarantee a price inaccuracy. Is five days not
24 enough to implement the planogram before the price
25 change?

1 MR. TAYLOR: Objection. Form.

2 You can answer.

3 THE WITNESS: Because we make the price
4 decrease effective on Monday, if the store resets
5 the planogram on Tuesday, increases aren't
6 effective until Friday. So there is a gap between
7 the prices that we would have in place, again, in
8 favor of the customer.

9 BY MR. MERINO:

10 Q Okay. Do you see there, "the challenge does
11 not account for four weeks needed for Driveline reset"?
12 Can you describe that to me?

13 A If the Driveline reset extends beyond Monday
14 -- or extends beyond Friday, that we would have
15 additional challenges that we need to compensate for.
16 It doesn't mean we can't compensate for them, but it
17 does mean that we have to be aware and compensate
18 accordingly.

19 Q Is the concern here that between the decrease
20 going into effect on Monday and the increase on Friday,
21 that the four weeks that it takes for the Driveline
22 reset to complete, that there would be a roughly three-
23 to four-week gap before the label catches up with the
24 price change?

25 MR. TAYLOR: Objection. Form.

1 THE WITNESS: If we're unable to -- if -- if
2 we didn't make compensation, then we could run into
3 an issue with a discrepancy between shelf and point
4 of sale.

5 BY MR. MERINO:

6 Q What do you mean when you say "compensation"?

7 A There are -- there are different avenues that
8 we can take to ensure the price integrity.

9 Q Like what?

10 A We can either hold off on the price changes
11 if it's a Driveline set. We can run things as if we
12 need to run a promotion to ensure that we keep the
13 prices active. Then we would -- inconsistent, then we
14 could do that as well. I'm sure there are other
15 opportunities for us as well.

16 Q Do you see that the benefit there, "minimizes
17 store labor impact of label changes"?

18 A I do.

19 Q Can you explain to me what that means in
20 laymen's terms?

21 A I think it compares to the second bullet and
22 our current process.

23 Q "Compares to the second bullet and our
24 current process." Can you -- I'm sorry. I may be
25 missing that.

1 A So under the proposed process, which is our
2 current process --

3 Q Okay.

4 A -- it's a -- it's a distinction between that
5 -- between the two processes.

6 Q Okay. Well, maybe comparing it to another --
7 the current process isn't helping, at least described to
8 me, too much. When it says "minimize store labor impact
9 of label change" as a benefit, are they -- is that a
10 discussion of the amount of hours that are needed to
11 implement the store labels?

12 MR. TAYLOR: Objection. Form.

13 THE WITNESS: It's in comparison to pushing
14 the price changes to the stores one week prior to
15 reset.

16 BY MR. MERINO:

17 Q Right. I understand what it's being compared
18 to, but I want to understand specifically, right, what
19 is being discussed here as far as the benefit minimizes
20 store labor impact of -- of label change. Is it -- is
21 it accurate to say that this is discussing the labor --
22 the hours that are needed to put the labels in place?

23 MR. TAYLOR: Objection. Form.

24 You can answer.

25 THE WITNESS: It's in relation to push --

1 when we push the price changes to the stores one
2 week prior to reset, that requires the stores to go
3 touch those SKUs. Then as the planogram goes
4 through and resets the following week, store labor
5 again is used. So the distinction between the two
6 is that additional touch.

7 So in this case, our current process spends
8 more labor to ensure price integrity on the shelf
9 regardless of the length of time the reset activity
10 takes.

11 BY MR. MERINO:

12 Q When did this process get implemented?

13 MR. TAYLOR: Objection. Form.

14 THE WITNESS: I -- I don't know.

15 BY MR. MERINO:

16 Q Was it after this document was generated
17 February 2023?

18 A I -- I can't say. I'd have to research it.

19 MR. TAYLOR: Javier, when you get to a good
20 stopping point, can we maybe take a break soon?

21 MR. MERINO: Sure. Yeah. I think I have
22 just a few more questions on this, and then I'm
23 fine with a break.

24 BY MR. MERINO:

25 Q So under the proposed process, which now I

1 understand to be the current process, when you say "push
2 price changes to stores one week prior to reset," is --
3 is the idea that the labels would be set a whole week
4 before the price changes are implemented?

5 A No.

6 MR. TAYLOR: Objection. Form.

7 THE WITNESS: The price changes would be
8 effective one week prior to the reset.

9 BY MR. MERINO:

10 Q Okay. So how is it that that would ensure
11 the integrity of pricing on the shelf if -- if the price
12 change is pushed before the reset is implemented?

13 A I just want to be clear. There's no push.
14 What we would do is we would create the price changes to
15 be effective, let's -- if we pretend that March 15th is
16 the reset date, we would make any price changes
17 associated with that planogram effective on March 8th.
18 That would automatically generate the labels.

19 The stores, as the -- as the labels are
20 printed by the third party, when they come in, they'll
21 already have the pricing that was effective on March 8th
22 as -- as part of their printing. And so as the stores
23 pull off the old and put the new on, there's no change
24 in any pricing for any associated products on that
25 planogram.

1 MR. MERINO: I'm fine with taking five
2 minutes here. We can -- we can come back at 4:45.

3 MR. TAYLOR: Okay.

4 THE VIDEOGRAPHER: This is the end of Media
5 Unit Number 3. We are off the record at 3:39 p.m.

6 (Recess taken.)

7 THE VIDEOGRAPHER: This is the beginning of
8 Media Unit Number 4. We are on the record at
9 3:51 p.m.

10 BY MR. MERINO:

11 Q Mr. Haug, I want to go back to our previous
12 line of questioning. And I apologize. I'm having a
13 little trouble understanding the new POG pricing
14 process.

15 So the way that I understood how you
16 described it to me is -- is a price change is
17 implemented and made effective a week before the POG is
18 -- is reset, right?

19 A Yes. We would make it effective whenever --
20 the Tuesday prior to the reset week.

21 Q So how is it that implementing it
22 retroactively a week before would increase pricing
23 integrity?

24 MR. TAYLOR: Objection. Form.

25 THE WITNESS: I'm not sure how you're getting

1 retroactive out of it.

2 BY MR. MERINO:

3 Q Okay. So let's go back to your example of
4 the March 15 reset date. Right?

5 A Yes.

6 Q Okay. So on March 8th, that's when you would
7 push the price changes to the store, right?

8 A We would be notified about any retail changes
9 8 to 13 weeks in advance of that planogram resetting.
10 And so we would set those prices to go live one week or
11 the Tuesday prior to the reset.

12 Q But isn't -- isn't the reset when the labels
13 are implemented in the stores as well?

14 MR. TAYLOR: Objection. Form.

15 THE WITNESS: That's when shelf strips would
16 be set, but the labels would be automatically
17 generated the date that we made the price change
18 effective.

19 BY MR. MERINO:

20 Q Okay. So is the idea here that by the price
21 change being pushed a week before, is that the price
22 label would also be pushed the week before the PO- --
23 the POG is set?

24 MR. TAYLOR: Objection. Form.

25 THE WITNESS: Yeah. The price label is

1 automatically generated the day that the price
2 change would be active.

3 MR. MERINO: All right. I'm introducing
4 what's been premarked as Exhibit 11.

5 (Exhibit 11 was marked for identification.)

6 MR. TAYLOR: And just to be clear, is that --
7 you skipped a couple of numbers?

8 MR. MERINO: Correct.

9 MR. TAYLOR: Okay. I wanted to make sure I
10 didn't miss anything.

11 MR. MERINO: Sure.

12 THE WITNESS: I have it open.

13 BY MR. MERINO:

14 Q Okay. Do you see your email there -- so
15 we're on Bates-stamp 25282 -- "Please review the price
16 of this item ASAP"? Do you see that?

17 A I do.

18 Q And then your second email, "It had a
19 substantial zone retail adjustment."

20 A Yes.

21 Q What do you mean by "a zone retail
22 adjustment"?

23 A Because we have multiple zones, we receive an
24 item at a single price. As that item moves out of the
25 distribution centers and into the stores, a retail -- a

1 financial adjustment is made to adjust the value of that
2 inventory based on the inventory in each specific zone.

3 Q Okay. Are you talking about the price that
4 it's sold at?

5 A Yeah. The price that it's on shelf in -- in
6 each individual store. So in combination.

7 Q Okay. So what did you mean by "a substantial
8 zone retail adjustment"?

9 A In this particular instance, you can see that
10 there was no retail adjustment made to the receipts in
11 week 52, 51, 50, or 49. In week 53, there was a
12 \$391,000 receipt retail adjustment made as the product
13 moved from the DCs into the stores, which suggested a
14 larger price variance between what we received the
15 product at and what it was priced in the stores. This
16 is not a customer facing thing.

17 MR. MERINO: I don't have any further
18 questions.

19 MR. TAYLOR: Okay. We don't have any
20 questions either.

21 MR. MERINO: Okay.

22 MR. TAYLOR: All right. I guess we can go
23 off the record then.

24 THE VIDEOGRAPHER: This is the end of Media
25 Unit Number 4. We are off the record at 4:03 p.m.,

1 and this concludes today's testimony given by Brian
2 Haug.

3 THE REPORTER: Are we ordering at this time,
4 Mr. Merino?

5 MR. MERINO: Not yet. I'll circle back to
6 you on that.

7 MR. TAYLOR: We will order and we will read
8 and sign.

9 THE REPORTER: Mr. Bates, did you need a
10 copy?

11 MR. BATES: No, I'm fine.

12 MR. MERINO: Oh, I'm sorry. I thought that
13 was for the video. Yes, we'll order a copy of the
14 transcript, please.

15 (Witness excused.)

16 (Deposition concluded at 4:03 p.m.)

17 - - -
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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF FLAGLER)

I, TERESA WYNN, Court Reporter, do hereby
certify that I was authorized to and did
stenographically report the remote deposition of BRIAN
HAUG; that a review of the transcript WAS requested; and
that the foregoing transcript, pages 4 through 124, is a
true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative,
employee, or attorney, or counsel of any of the parties,
nor am I a relative or employee of any of the parties'
attorney or counsel connected with the action, nor am I
financially interested in the action.

DATED this 28th day of December, 2023.



Teresa Wynn, Court Reporter

CERTIFICATE OF OATH
(VIDEOCONFERENCE PROCEEDINGS)

STATE OF FLORIDA)
COUNTY OF FLAGLER)

I, Teresa Wynn, Court Reporter and Notary
Public, State of Florida, certify that the witness,
BRIAN HAUG, appeared before me via videoconference on
the 12th day of December, 2023, and was duly sworn.

WITNESS my hand and official seal this 28th
day of December, 2023.



TERESA WYNN, Court Reporter
Notary Public, State of Florida
MY COMMISSION NO. HH042443
Expires: January 13, 2025

Personally Known_____

Or Produced Identification__X__

Type of Identification Produced_____Employment ID____

E R R A T A S H E E T

IN RE: JOESPH WOLF, CARMEN WOLF, ON BEHALF OF
THEMSELVES AND THOSE SIMILARLY SITUATED v. DOLLAR
GENERAL CORPORATION, DOLGEN NEW YORK, LLC, D/B/A DOLGEN,
DOLGENCORP OF TEXAS, INC., INDIVIDUALLY, JOINTLY,
SEVERALLY, OR IN THE ALTERNATIVE
DEPOSITION OF: BRIAN HAUG
TAKEN: DECEMBER 12, 2023

DO NOT WRITE ON THE TRANSCRIPT - ENTER CHANGES HERE

Please sign, date, and return this sheet to our office.
If additional lines are required for corrections, attach
additional sheets.

At the time of the reading and signing of the
deposition, the following changes were noted:

PAGE	LINE	CHANGE	REASON

Under penalty of perjury, I declare that I have read my
deposition and that it is true and correct subject to
any changes in form or substance entered here.

SIGNATURE OF DEPONENT: _____

DATE: _____

1
2 IN RE: JOESPH WOLF, CARMEN WOLF, ON BEHALF OF
THEMSELVES AND THOSE SIMILARLY SITUATED v. DOLLAR
3 GENERAL CORPORATION, DOLGEN NEW YORK, LLC, D/B/A
DOLGEN, DOLGENCORP OF TEXAS, INC., INDIVIDUALLY,
4 JOINTLY, SEVERALLY, OR IN THE ALTERNATIVE
5 Rtaylor@mcguirewoods.com

6 The above-referenced transcript is available for review.
7 The witness should read the testimony to verify its
accuracy. If there are changes, the witness should note
8 those with the reason on the attached Errata Sheet.
9 The witness should, please, date and sign the Errata
Sheet and email it to the deposing attorney as well as
10 to Veritext at Transcripts-fl@veritext.com, and copies
will be emailed to all ordering parties.

11
12 It is suggested that the completed errata be returned 30
days from receipt of transcript, as considered
reasonable under Federal rules*, however, there is no
13 Florida statute to this regard.
14 If the witness fails to do so, the transcript may be
used as if signed.

15 Yours,

16 Veritext Legal Solutions

17
18 *Federal Civil Procedure Rule 30(e)/Florida Civil
Procedure Rule 1.310(e)

[00558 - 6/5]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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